

Introduced by Senator GainesFebruary 13, 2013

An act to amend Section 170.1 of the Code of Civil Procedure, and to amend Sections 56100.1, 82036.5, 83124, 84101, 84103, 84108, 84203.3, 84203.5, 84204, 84204.5, 84215, 84216, 84218, 84300, 84308, 84602, 84605, 85304, 85304.5, 85306, 85310, 85315, 85316, 85501, 89510, 89511.5, 89512.5, 89513, and 90002 of, to repeal Sections 84200.5, 84200.6, 84200.7, 84200.8, 84200.9, 84202.3, 84202.5, 84202.7, 84203, 84205, 84206, 84209, 84211, 84216.5, 84220, 84302, 85300, 85301, 85302, 85303, 85305, 85307, 85309, 85314, 85320, 85321, 85701, 85702, and 85704 of, to repeal Article 2.5 (commencing with Section 84250) of Chapter 4 of Title 9 of, and to repeal and add Section 84200 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 268, as introduced, Gaines. Political Reform Act of 1974.

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office and campaign committees that support or oppose candidates and ballot measures, including, among other things, limiting the maximum dollar amount of contributions that may be accepted by candidates for elective state office, prohibiting candidates from accepting public funds for the purpose of seeking public office, limiting contributions to an officer of an agency from a party who has a financial interest in a permit or license proceeding before that agency, and prohibiting elected state officers or candidates for elective state office from accepting contributions from lobbyists registered to lobby the

governmental agency of which the elected official is a member or for which the candidate seeks election.

This bill would repeal limitations on contributions that may be made to, or accepted by, candidates for elective office.

The act requires candidates and committees to file specified campaign finance reports, including semiannual statements, preelection statements, supplemental preelection statements, and late contribution reports, that include prescribed campaign finance information.

This bill would repeal the requirements to file these reports and would, instead, require that a candidate or committee who makes or receives a contribution of \$100 or more to report that contribution to specified filing officers within 24 hours of receiving the contribution. The bill would require a candidate or committee making the contribution to report his, her, or its full name and address, the full name and address of the recipient, the office sought by the candidate or the ballot measure, as appropriate, and the date and amount of the contribution. The bill would require the recipient of the contribution to report his, her, or its full name and address, the date and amount of the contribution, whether the contribution is in the form of a loan, and the full name of the contributor, and his or her street address, occupation, and employer or the name of the business, if self-employed.

The bill would require a candidate or committee that makes an expenditure of \$100 or more to report the expenditure to specified filing officers within 24 hours. The bill would require the candidate or committee making the expenditure to report his, her, or its full name and street address, the amount of the expenditure, the full name and street address for the person to whom the expenditure was made, and a brief description of the consideration for which the expenditure was made. The bill would require the disclosure of additional information if the expenditure is a contribution to a candidate, elected officer, or committee or an independent expenditure to support or oppose a candidate or measure.

The bill would require a candidate or committee who is required to report a contribution or expenditure to the Secretary of State to file that report online or by electronic transmission only.

The bill would also make conforming changes.

By increasing the duties of local government officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.

This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 170.1 of the Code of Civil Procedure is
2 amended to read:
3 170.1. (a) A judge shall be disqualified if any one or more of
4 the following are true:
5 (1) (A) The judge has personal knowledge of disputed
6 evidentiary facts concerning the proceeding.
7 (B) A judge shall be deemed to have personal knowledge within
8 the meaning of this paragraph if the judge, or the spouse of the
9 judge, or a person within the third degree of relationship to either
10 of them, or the spouse of such a person, is to the judge's knowledge
11 likely to be a material witness in the proceeding.
12 (2) (A) The judge served as a lawyer in the proceeding, or in
13 any other proceeding involving the same issues he or she served
14 as a lawyer for a party in the present proceeding, or gave advice
15 to a party in the present proceeding upon a matter involved in the
16 action or proceeding.
17 (B) A judge shall be deemed to have served as a lawyer in the
18 proceeding if within the past two years:
19 (i) A party to the proceeding, or an officer, director, or trustee
20 of a party, was a client of the judge when the judge was in the
21 private practice of law or a client of a lawyer with whom the judge
22 was associated in the private practice of law.
23 (ii) A lawyer in the proceeding was associated in the private
24 practice of law with the judge.

1 (C) A judge who served as a lawyer for, or officer of, a public
2 agency that is a party to the proceeding shall be deemed to have
3 served as a lawyer in the proceeding if he or she personally advised
4 or in any way represented the public agency concerning the factual
5 or legal issues in the proceeding.

6 (3) (A) The judge has a financial interest in the subject matter
7 in a proceeding or in a party to the proceeding.

8 (B) A judge shall be deemed to have a financial interest within
9 the meaning of this paragraph if:

10 (i) A spouse or minor child living in the household has a
11 financial interest.

12 (ii) The judge or the spouse of the judge is a fiduciary who has
13 a financial interest.

14 (C) A judge has a duty to make reasonable efforts to inform
15 himself or herself about his or her personal and fiduciary interests
16 and those of his or her spouse and the personal financial interests
17 of children living in the household.

18 (4) The judge, or the spouse of the judge, or a person within the
19 third degree of relationship to either of them, or the spouse of such
20 a person, is a party to the proceeding or an officer, director, or
21 trustee of a party.

22 (5) A lawyer or a spouse of a lawyer in the proceeding is the
23 spouse, former spouse, child, sibling, or parent of the judge or the
24 judge's spouse or if such a person is associated in the private
25 practice of law with a lawyer in the proceeding.

26 (6) (A) For any reason:

27 (i) The judge believes his or her recusal would further the
28 interests of justice.

29 (ii) The judge believes there is a substantial doubt as to his or
30 her capacity to be impartial.

31 (iii) A person aware of the facts might reasonably entertain a
32 doubt that the judge would be able to be impartial.

33 (B) Bias or prejudice toward a lawyer in the proceeding may
34 be grounds for disqualification.

35 (7) By reason of permanent or temporary physical impairment,
36 the judge is unable to properly perceive the evidence or is unable
37 to properly conduct the proceeding.

38 (8) (A) The judge has a current arrangement concerning
39 prospective employment or other compensated service as a dispute
40 resolution neutral or is participating in, or, within the last two years

1 has participated in, discussions regarding prospective employment
2 or service as a dispute resolution neutral, or has been engaged in
3 that employment or service, and any of the following applies:

4 (i) The arrangement is, or the prior employment or discussion
5 was, with a party to the proceeding.

6 (ii) The matter before the judge includes issues relating to the
7 enforcement of either an agreement to submit a dispute to an
8 alternative dispute resolution process or an award or other final
9 decision by a dispute resolution neutral.

10 (iii) The judge directs the parties to participate in an alternative
11 dispute resolution process in which the dispute resolution neutral
12 will be an individual or entity with whom the judge has the
13 arrangement, has previously been employed or served, or is
14 discussing or has discussed the employment or service.

15 (iv) The judge will select a dispute resolution neutral or entity
16 to conduct an alternative dispute resolution process in the matter
17 before the judge, and among those available for selection is an
18 individual or entity with whom the judge has the arrangement,
19 with whom the judge has previously been employed or served, or
20 with whom the judge is discussing or has discussed the employment
21 or service.

22 (B) For the purposes of this paragraph, all of the following
23 apply:

24 (i) “Participating in discussions” or “has participated in
25 discussion” means that the judge solicited or otherwise indicated
26 an interest in accepting or negotiating possible employment or
27 service as an alternative dispute resolution neutral, or responded
28 to an unsolicited statement regarding, or an offer of, that
29 employment or service by expressing an interest in that
30 employment or service, making an inquiry regarding the
31 employment or service, or encouraging the person making the
32 statement or offer to provide additional information about that
33 possible employment or service. If a judge’s response to an
34 unsolicited statement regarding, a question about, or offer of,
35 prospective employment or other compensated service as a dispute
36 resolution neutral is limited to responding negatively, declining
37 the offer, or declining to discuss that employment or service, that
38 response does not constitute participating in discussions.

39 (ii) “Party” includes the parent, subsidiary, or other legal affiliate
40 of any entity that is a party and is involved in the transaction,

1 contract, or facts that gave rise to the issues subject to the
2 proceeding.

3 (iii) “Dispute resolution neutral” means an arbitrator, mediator,
4 temporary judge appointed under Section 21 of Article VI of the
5 California Constitution, referee appointed under Section 638 or
6 639, special master, neutral evaluator, settlement officer, or
7 settlement facilitator.

8 (9) (A) The judge has received a contribution in excess of one
9 thousand five hundred dollars—~~(\$1,500)~~ (\$1,500) from a party or
10 lawyer in the proceeding, and either of the following applies:

11 (i) The contribution was received in support of the judge’s last
12 election, if the last election was within the last six years.

13 (ii) The contribution was received in anticipation of an upcoming
14 election.

15 (B) Notwithstanding subparagraph (A), the judge shall be
16 disqualified based on a contribution of a lesser amount if
17 subparagraph (A) of paragraph (6) applies.

18 (C) The judge shall disclose any contribution from a party or
19 lawyer in a matter that is before the court that is required to be
20 reported under ~~subdivision (f) of Section 84211~~ 84200 of the
21 Government Code, even if the amount would not require
22 disqualification under this paragraph. The manner of disclosure
23 shall be the same as that provided in Canon 3E of the Code of
24 Judicial Ethics.

25 (D) Notwithstanding paragraph (1) of subdivision (b) of Section
26 170.3, the disqualification required under this paragraph may be
27 waived by the party that did not make the contribution unless there
28 are other circumstances that would prohibit a waiver pursuant to
29 paragraph (2) of subdivision (b) of Section 170.3.

30 (b) A judge before whom a proceeding was tried or heard shall
31 be disqualified from participating in any appellate review of that
32 proceeding.

33 (c) At the request of a party or on its own motion an appellate
34 court shall consider whether in the interests of justice it should
35 direct that further proceedings be heard before a trial judge other
36 than the judge whose judgment or order was reviewed by the
37 appellate court.

38 SEC. 2. Section 56100.1 of the Government Code is amended
39 to read:

1 56100.1. (a) Contributions and expenditures for political
2 purposes related to a proposal or proceeding shall be disclosed and
3 reported pursuant to Article ~~2.5~~ 2 (commencing with Section
4 ~~84250~~ 84200) of Chapter 4 of the Political Reform Act of 1974
5 (Title 9 (commencing with Section 81000)).

6 (b) A commission may require, through the adoption of written
7 policies and procedures, additional disclosure of contributions in
8 support of or opposition to a proposal, which shall be made either
9 to the commission's executive officer, in which case it shall be
10 posted on the commission's Internet Web site, if applicable, or to
11 the board of supervisors of the county in which the commission
12 is located, which may designate a county officer to receive the
13 disclosure. Disclosure pursuant to a requirement under the authority
14 provided in this section shall be in addition to any disclosure
15 otherwise required by Section 56700.1, 57009, or local ordinance.

16 SEC. 3. Section 82036.5 of the Government Code is amended
17 to read:

18 82036.5. "Late independent expenditure" means ~~an~~ any
19 independent expenditure that totals in the aggregate one thousand
20 dollars (\$1,000) or more and is made for or against a ~~any~~ specific
21 candidate or measure involved in an election within ~~90~~ the 12 days
22 before the date of the election. For purposes of the Board of
23 Administration of the Public Employees' Retirement System and
24 the Teachers' Retirement Board, "the date of the election" is the
25 deadline to return ballots.

26 SEC. 4. Section 83124 of the Government Code is amended
27 to read:

28 83124. The commission shall adjust the ~~contribution limitations~~
29 ~~and~~ voluntary expenditure limitations provisions in Sections ~~85301,~~
30 ~~85302, 85303,~~ and Section 85400 in January of every
31 odd-numbered year to reflect any increase or decrease in the
32 Consumer Price Index. Those adjustments shall be rounded to the
33 nearest ~~one hundred dollars (\$100) for limitations on contributions~~
34 ~~and one thousand dollars (\$1,000) for limitations on expenditures.~~

35 SEC. 5. Section 84101 of the Government Code is amended
36 to read:

37 84101. (a) A committee that is a committee by virtue of
38 subdivision (a) of Section 82013 shall file a statement of
39 organization. The committee shall file the original of the statement
40 of organization with the Secretary of State and shall also file a

1 copy of the statement of organization with the local filing officer,
2 if any, with whom the committee is required to file the originals
3 of its campaign reports pursuant to Section 84215. The original
4 and copy of the statement of organization shall be filed within 10
5 days after the committee has qualified as a committee. The
6 Secretary of State shall assign a number to each committee that
7 files a statement of organization and shall notify the committee of
8 the number. The Secretary of State shall send a copy of statements
9 filed pursuant to this section to the county elections official of each
10 county that he or she deems appropriate. A county elections official
11 who receives a copy of a statement of organization from the
12 Secretary of State pursuant to this section shall send a copy of the
13 statement to the clerk of each city in the county that he or she
14 deems appropriate.

15 (b) In addition to filing the statement of organization as required
16 by subdivision (a), if a committee qualifies as a committee under
17 subdivision (a) of Section 82013 *within the 12 days* before the date
18 of an election in connection with which the committee is required
19 to file ~~preelection statements, but after the closing date of the last~~
20 ~~campaign statement required to be filed before~~ *statements*, the
21 ~~election pursuant to Section 84200.7, 84200.8, or 84200.9, the~~
22 committee shall file, by facsimile transmission, guaranteed
23 overnight delivery, or personal delivery within 24 hours of
24 qualifying as a committee, the information required to be reported
25 in the statement of organization. The information required by this
26 subdivision shall be filed with the filing officer with whom the
27 committee is required to file the originals of its campaign reports
28 pursuant to Section 84215.

29 (c) If an independent expenditure committee qualifies as a
30 committee pursuant to subdivision (a) of Section 82013 during the
31 time period described in Section 82036.5 and makes independent
32 expenditures of one thousand dollars (\$1,000) or more to support
33 or oppose a candidate or candidates for office, the committee shall
34 file, by facsimile transmission, online transmission, guaranteed
35 overnight delivery, or personal delivery within 24 hours of
36 qualifying as a committee, the information required to be reported
37 in the statement of organization. The information required by this
38 section shall be filed with the filing officer with whom the
39 committee is required to file the original of its campaign reports
40 pursuant to Section 84215, and shall be filed at all locations

1 required for the candidate or candidates supported or opposed by
2 the independent expenditures. The filings required by this section
3 are in addition to filings that may be required by ~~Sections 84203.5~~
4 ~~and Section 84204.~~

5 (d) For purposes of this section, in calculating whether one
6 thousand dollars (\$1,000) in contributions has been received,
7 payments for a filing fee or for a statement of qualifications to
8 appear in a sample ballot shall not be included if these payments
9 have been made from the candidate's personal funds.

10 SEC. 6. Section 84103 of the Government Code is amended
11 to read:

12 84103. (a) Whenever there is a change in any of the
13 information contained in a statement of organization, an
14 amendment shall be filed within 10 days to reflect the change. The
15 committee shall file the original of the amendment with the
16 Secretary of State and shall also file a copy of the amendment with
17 the local filing officer, if any, with whom the committee is required
18 to file the originals of its campaign reports pursuant to Section
19 84215.

20 (b) In addition to filing an amendment to a statement of
21 organization as required by subdivision (a), a committee as defined
22 in subdivision (a) of Section 82013 shall, by facsimile transmission,
23 online transmission, guaranteed overnight delivery, or personal
24 delivery within 24 hours, notify the filing officer with whom it is
25 required to file the originals of its campaign reports pursuant to
26 Section 84215 when the change requiring the amendment occurs
27 *within the 12 days* before the date of the election in connection
28 with which the committee is required to file a ~~preelection statement,~~
29 ~~but after the closing date of the last preelection campaign statement~~
30 ~~required to be filed for the election pursuant to Section 84200.7~~
31 ~~or 84200.8,~~ if any of the following information is changed:

- 32 (1) The name of the committee.
33 (2) The name of the treasurer or other principal officers.
34 (3) The name of any candidate or committee by which the
35 committee is controlled or with which it acts jointly.

36 The notification shall include the changed information, the date
37 of the change, the name of the person providing the notification,
38 and the committee's name and identification number.

39 A committee may file a notification online only if the appropriate
40 filing officer is capable of receiving the notification in that manner.

1 SEC. 7. Section 84108 of the Government Code is amended
2 to read:

3 84108. (a) Every slate mailer organization shall comply with
4 the requirements of Sections 84100, 84101, 84103, and 84104.

5 (b) The statement of organization of a slate mailer organization
6 shall include:

7 (1) The name, street address, and telephone number of the
8 organization. In the case of an individual or business entity that
9 qualifies as a slate mailer organization, the name of the slate mailer
10 organization shall include the name by which the individual or
11 entity is identified for legal purposes. Whenever identification of
12 a slate mailer organization is required by this title, the identification
13 shall include the full name of the slate mailer organization as
14 contained in its statement of organization.

15 (2) The full name, street address, and telephone number of the
16 treasurer and other principal officers.

17 (3) The full name, street address, and telephone number of each
18 person with final decisionmaking authority as to which candidates
19 or measures will be supported or opposed in the organization's
20 slate mailers.

21 (c) The statement of organization shall be filed with the
22 Secretary of State within 10 days after the slate mailer organization
23 receives or is promised five hundred dollars (\$500) or more for
24 producing one or more slate mailers. However, if an entity qualifies
25 as a slate mailer organization *within the 12 days* before the date
26 of an election in which it is required to file ~~pre-election statements;~~
27 ~~but after the closing date of the last campaign statement required~~
28 ~~to be filed before statements,~~ the election pursuant to Section
29 84218, the slate mailer organization shall file with the Secretary
30 of State, by facsimile transmission, guaranteed overnight delivery,
31 or personal delivery within 24 hours of qualifying as a slate mailer
32 organization, the information required to be reported in the
33 statement of organization.

34 SEC. 8. Section 84200 of the Government Code is repealed.

35 84200. ~~(a) Except as provided in paragraphs (1), (2), and (3),~~
36 ~~elected officers, candidates, and committees pursuant to subdivision~~
37 ~~(a) of Section 82013 shall file semiannual statements each year no~~
38 ~~later than July 31 for the period ending June 30, and no later than~~
39 ~~January 31 for the period ending December 31.~~

1 ~~(1) A candidate who, during the past six months has filed a~~
2 ~~declaration pursuant to Section 84206 shall not be required to file~~
3 ~~a semiannual statement for that six-month period.~~

4 ~~(2) Elected officers whose salaries are less than two hundred~~
5 ~~dollars (\$200) a month, judges, judicial candidates, and their~~
6 ~~controlled committees shall not file semiannual statements pursuant~~
7 ~~to this subdivision for any six-month period in which they have~~
8 ~~not made or received any contributions or made any expenditures.~~

9 ~~(3) A judge who is not listed on the ballot for reelection to, or~~
10 ~~recall from, any elective office during a calendar year shall not~~
11 ~~file semiannual statements pursuant to this subdivision for any~~
12 ~~six-month period in that year if both of the following apply:~~

13 ~~(A) The judge has not received any contributions.~~

14 ~~(B) The only expenditures made by the judge during the calendar~~
15 ~~year are contributions from the judge's personal funds to other~~
16 ~~candidates or committees totaling less than one thousand dollars~~
17 ~~(\$1,000).~~

18 ~~(b) All committees pursuant to subdivision (b) or (c) of Section~~
19 ~~82013 shall file campaign statements each year no later than July~~
20 ~~31 for the period ending June 30, and no later than January 31 for~~
21 ~~the period ending December 31, if they have made contributions~~
22 ~~or independent expenditures, including payments to a slate mailer~~
23 ~~organization, during the six-month period before the closing date~~
24 ~~of the statements.~~

25 SEC. 9. Section 84200 is added to the Government Code, to
26 read:

27 84200. (a) (1) Each candidate or committee that makes or
28 receives a contribution of one hundred dollars (\$100) or more shall
29 report the contribution to each office with which the candidate or
30 committee is required to file its statements pursuant to Section
31 84215 or 84218. The candidate or committee that makes the
32 contribution shall report his or her full name and street address
33 and the full name and street address of the person to whom the
34 contribution has been made, the office sought if the recipient is a
35 candidate, or the ballot measure number or letter if the recipient
36 is a committee primarily formed to support or oppose a ballot
37 measure, and the date and amount of the contribution. The recipient
38 of the contribution shall report his or her full name and street
39 address, the date and amount of the contribution, and whether the
40 contribution was made in the form of a loan. The recipient shall

1 also report the full name of the contributor, his or her street address,
2 occupation, and the name of his or her employer, or if
3 self-employed, the name of the business.

4 (2) A contribution need not be reported, nor shall it be deemed
5 accepted, if it is not cashed, negotiated, or deposited and is returned
6 to the contributor within 24 hours of its receipt.

7 (b) Each candidate or committee that makes an expenditure of
8 one hundred dollars (\$100) or more shall report the expenditure
9 to each office with which the candidate or committee is required
10 to file its statements pursuant to Section 84215 or 84218. The
11 candidate or committee that makes the expenditure shall report his
12 or her full name and street address, the amount of the expenditure,
13 the full name and street address for the person to whom the
14 expenditure was made, and a brief description of the consideration
15 for which the expenditure was made. In the case of an expenditure
16 that is a contribution to a candidate, elected officer, or committee
17 or an independent expenditure to support or oppose a candidate
18 or measure, the report shall also include the date of the contribution
19 or independent expenditure, the cumulative amount of contributions
20 made to the candidate, elected officer, or committee, or the
21 cumulative amount of independent expenditures made relative to
22 a candidate or measure, the full name of the candidate, and the
23 office and district for which he or she seeks nomination or election,
24 or the number or letter of the measure, and the jurisdiction in which
25 the measure or candidate is voted upon.

26 (c) A contribution or expenditure shall be reported by facsimile
27 transmission, guaranteed overnight delivery, or personal delivery
28 within 24 hours of the time it is made in the case of the candidate
29 or committee that makes the contribution and within 24 hours of
30 the time it is received in the case of the recipient. If a contribution
31 or expenditure is required to be reported to the Secretary of State,
32 the report to the Secretary of State shall be by online or electronic
33 transmission only.

34 SEC. 10. Section 84200.5 of the Government Code is repealed.

35 ~~84200.5. In addition to the campaign statements required by~~
36 ~~Section 84200, elected officers, candidates, and committees shall~~
37 ~~file preelection statements as follows:~~

38 ~~(a) During an even-numbered year, all candidates for elective~~
39 ~~state office being voted upon in the statewide direct primary~~
40 ~~election or the statewide general election, their controlled~~

1 committees, and committees primarily formed to support or oppose
2 an elected state officer or a state candidate being voted upon shall
3 file the applicable preelection statements specified in Section
4 84200.7 or 84200.8. All elected state officers who, during the
5 applicable reporting periods covered by Section 84200.7 or
6 84200.8, contribute to any committee required to report receipts,
7 expenditures, or contributions pursuant to this title, or make an
8 independent expenditure, shall file the applicable preelection
9 statements specified in Section 84200.7 or 84200.8. However, a
10 candidate for an office that is not being voted upon in the
11 November election, his or her controlled committee, and any
12 committee primarily formed to support or oppose that candidate
13 is not required to file statements in connection with the November
14 election pursuant to subdivision (b) of Section 84200.7 unless,
15 during the reporting periods covered by Section 84200.7, the
16 candidate, his or her controlled committee, or any committee
17 primarily formed to support or oppose that candidate contributes
18 to any committee required to report receipts, expenditures, or
19 contributions pursuant to this title or makes independent
20 expenditures.

21 (b) During an even-numbered year, all candidates not specified
22 in subdivision (a) who are running for offices being voted upon
23 on the first Tuesday after the first Monday in June or November,
24 their controlled committees, and committees primarily formed to
25 support or oppose those candidates or a measure being voted upon
26 on the first Tuesday after the first Monday in June or November
27 of an even-numbered year shall file the preelection statements
28 specified in subdivision (a) of Section 84200.7 in the case of a
29 June election, or subdivision (b) of Section 84200.7 in the case of
30 a November election.

31 (c) All candidates for offices being voted upon on a date other
32 than the first Tuesday after the first Monday in June or November
33 of an even-numbered year, their controlled committees, and
34 committees primarily formed to support or oppose a candidate or
35 a measure being voted upon on a date other than the first Tuesday
36 after the first Monday in June or November of an even-numbered
37 year shall file the preelection statements specified in Section
38 84200.8.

39 (d) During an election period for the Board of Administration
40 of the Public Employees' Retirement System or the Teachers'

1 Retirement Board, all candidates for these boards, their controlled
2 committees, and committees primarily formed to support or oppose
3 the candidates shall file the preelection statements specified in
4 Section 84200.9.

5 (e) In an even-numbered year in which the statewide direct
6 primary election is held on the first Tuesday after the first Monday
7 in June, a state or county general purpose committee formed
8 pursuant to subdivision (a) of Section 82013, other than a political
9 party committee as defined in Section 85205, shall file the
10 preelection statements specified in Section 84200.7 if it makes
11 contributions or independent expenditures totaling five hundred
12 dollars (\$500) or more during the period covered by the preelection
13 statement. A state or county general purpose committee formed
14 pursuant to subdivision (b) or (c) of Section 82013 is not required
15 to file the statements specified in Section 84200.7.

16 (f) During an even-numbered year in which the statewide direct
17 primary election is held on a date other than the first Tuesday after
18 the first Monday in June, a state or county general purpose
19 committee formed pursuant to subdivision (a) of Section 82013,
20 other than a political party committee as defined in Section 85205,
21 shall file the preelection statements specified in Section 84200.8
22 if it makes contributions or independent expenditures totaling five
23 hundred dollars (\$500) or more during the period covered by the
24 preelection statement. A state or county general purpose committee
25 formed pursuant to subdivision (b) or (c) of Section 82013 is not
26 required to file the statements specified in Section 84200.8.

27 (g) During an election period for the Board of Administration
28 of the Public Employees' Retirement System or the Teachers'
29 Retirement Board, a state or county general purpose committee
30 formed pursuant to subdivision (a) of Section 82013 shall file the
31 preelection statements specified in Section 84200.9 if it makes
32 contributions or independent expenditures totaling five hundred
33 dollars (\$500) or more during the period covered by the preelection
34 statement to support or oppose a candidate, or a committee
35 primarily formed to support or oppose a candidate, on the ballot
36 for the Board of Administration of the Public Employees'
37 Retirement System or the Teachers' Retirement Board. A state or
38 county general purpose committee formed pursuant to subdivision
39 (b) or (c) of Section 82013 is not required to file the statements
40 specified in Section 84200.9.

~~(h) A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.7 or 84200.8 in connection with a state election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more, during the period covered by the preelection statement.~~

~~(i) City general purpose committees shall file statements as follows:~~

~~(1) City general purpose committees in a city that has an election on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in subdivision (a) or (b) of Section 84200.7 for the six-month period in which the city election is held, if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.~~

~~(2) City general purpose committees in a city that has an election on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the preelection statements specified in Section 84200.8 if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.~~

~~SEC. 11. Section 84200.6 of the Government Code is repealed.~~

~~84200.6. In addition to the campaign statements required by Sections 84200 and 84200.5, all candidates and committees shall file the following special statements and reports:~~

~~(a) Supplemental preelection statements when required by Section 84202.5.~~

~~(b) Late contribution reports when required by Section 84203.~~

~~(c) Independent expenditure reports when required by Section 84203.5.~~

~~(d) Late independent expenditure reports when required by Section 84204.~~

~~SEC. 12. Section 84200.7 of the Government Code is repealed.~~

~~84200.7. (a) Preelection statements for the June election period shall be filed as follows:~~

~~(1) For the period ending March 17, a statement to be filed no later than March 22. However, for a special election called after March 17, or for which the period for filing nomination documents;~~

1 as defined in Section 333 of the Elections Code, ends after March
2 17, a preelection statement for the period ending 45 days before
3 the election shall be filed no later than 40 days before the election.

4 (2) For the period ending 17 days before the election, a statement
5 to be filed no later than 12 days before the election. All candidates
6 being voted upon in the June election, their controlled committees,
7 and committees formed primarily to support or oppose a candidate
8 or measure being voted upon in the June election shall file this
9 statement by guaranteed overnight delivery service or by personal
10 delivery.

11 (b) Preelection statements for the November election period
12 shall be filed as follows:

13 (1) For the period ending September 30, a statement to be filed
14 no later than October 5.

15 (2) For the period ending 17 days before the election, a statement
16 to be filed no later than 12 days before the election. All candidates
17 being voted upon in the November election, their controlled
18 committees, and committees formed primarily to support or oppose
19 a candidate or measure being voted upon in the November election
20 shall file this statement by guaranteed overnight delivery service
21 or by personal delivery.

22 SEC. 13. Section 84200.8 of the Government Code is repealed.

23 84200.8. Preelection statements shall be filed under this section
24 as follows:

25 (a) For the period ending 45 days before the election, the
26 statement shall be filed no later than 40 days before the election.

27 (b) For the period ending 17 days before the election, the
28 statement shall be filed no later than 12 days before the election.
29 All candidates being voted upon in the election in connection with
30 which the statement is filed, their controlled committees, and
31 committees formed primarily to support or oppose a candidate or
32 measure being voted upon in that election shall file this statement
33 by guaranteed overnight delivery service or by personal delivery.

34 (c) For runoff elections held within 60 days of the qualifying
35 election, an additional preelection statement for the period ending
36 17 days before the runoff election shall be filed no later than 12
37 days before the election. All candidates being voted upon in the
38 election in connection with which the statement is filed, their
39 controlled committees, and committees formed primarily to support
40 or oppose a candidate or measure being voted upon in that election

1 shall file this statement by guaranteed overnight delivery service
2 or personal delivery.

3 SEC. 14. Section 84200.9 of the Government Code is repealed.

4 84200.9. Preelection statements for an election period for the
5 Board of Administration of the Public Employees' Retirement
6 System or the Teachers' Retirement Board shall be filed as follows:

7 (a) For the period ending five days before the beginning of the
8 ballot period, as determined by the relevant board, a statement
9 shall be filed no later than two days before the beginning of the
10 ballot period.

11 (b) For the period ending five days before the deadline to return
12 ballots, as determined by the relevant board, a statement shall be
13 filed no later than two days before the deadline to return ballots.

14 (c) In the case of a runoff election, for the period ending five
15 days before the deadline to return runoff ballots, as determined by
16 the relevant board, a statement shall be filed no later than two days
17 before the deadline to return runoff ballots.

18 (d) All candidates being voted upon, their controlled committees,
19 and committees primarily formed to support or oppose a candidate
20 being voted upon in that election shall file the statements specified
21 in subdivisions (b) and (c) by guaranteed overnight delivery service
22 or by personal delivery.

23 SEC. 15. Section 84202.3 of the Government Code is repealed.

24 84202.3. (a) In addition to the campaign statements required
25 by Section 84200, committees pursuant to subdivision (a) of
26 Section 82013 that are primarily formed to support or oppose the
27 qualification, passage, or defeat of a measure and proponents of a
28 state ballot measure who control a committee formed or existing
29 primarily to support the qualification, passage, or defeat of a state
30 ballot measure, shall file campaign statements on the following
31 dates:

32 (1) No later than April 30 for the period January 1 through
33 March 31.

34 (2) No later than October 31 for the period July 1 through
35 September 30.

36 (b) This section shall not apply to a committee during any
37 semiannual period in which the committee is required to file
38 preelection statements pursuant to subdivision (a), (b), or (c) of
39 Section 84200.5.

1 ~~(e) This section shall not apply to a committee following the~~
2 ~~election at which the measure is voted upon unless the committee~~
3 ~~makes contributions or expenditures to support or oppose the~~
4 ~~qualification or passage of another ballot measure.~~

5 SEC. 16. Section 84202.5 of the Government Code is repealed.

6 ~~84202.5. (a) Any candidate or any committee pursuant to~~
7 ~~subdivision (a) of Section 82013 which makes contributions~~
8 ~~totaling ten thousand dollars (\$10,000) or more in connection with~~
9 ~~an election, including a runoff election, shall file a supplemental~~
10 ~~preelection statement no later than 12 days before the election, for~~
11 ~~the period ending 17 days before the election. This statement shall~~
12 ~~be filed by guaranteed overnight delivery service or by personal~~
13 ~~delivery with each office with which the candidate or committee~~
14 ~~filing the statement is required to file its next campaign statement~~
15 ~~pursuant to Section 84215.~~

16 ~~(b) This section shall not apply to candidates or committees~~
17 ~~during any semiannual period in which the candidate or committee~~
18 ~~is required to file preelection statements pursuant to Section~~
19 ~~84200.5.~~

20 ~~(c) If a candidate or committee makes contributions totaling ten~~
21 ~~thousand dollars (\$10,000) or more in connection with an election~~
22 ~~and all of those contributions are reported pursuant to Section~~
23 ~~84200 or 84202.7 on or before the closing date specified in~~
24 ~~subdivision (a), the candidate or committee shall not be required~~
25 ~~to file additional statements for that period pursuant to this section.~~

26 SEC. 17. Section 84202.7 of the Government Code is repealed.

27 ~~84202.7. (a) Except as provided in subdivision (b), during an~~
28 ~~odd-numbered year, any committee by virtue of Section 82013~~
29 ~~that makes contributions totaling ten thousand dollars (\$10,000)~~
30 ~~or more to elected state officers, their controlled committees, or~~
31 ~~committees primarily formed to support or oppose any elected~~
32 ~~state officer during a period specified below shall file campaign~~
33 ~~statements on the following dates:~~

34 ~~(1) No later than April 30 for the period of January 1 through~~
35 ~~March 31.~~

36 ~~(2) No later than October 31 for the period of July 1 through~~
37 ~~September 30.~~

38 ~~(b) If a committee makes contributions totaling ten thousand~~
39 ~~dollars (\$10,000) or more to elected state officers, their controlled~~
40 ~~committees, or committees primarily formed to support or oppose~~

1 any elected state officer during a period specified in subdivision
2 (a), and all of those contributions are reported pursuant to Section
3 84202.5 on or before the time specified in subdivision (a), the
4 committee shall not be required to file additional statements for
5 that period pursuant to this section.

6 SEC. 18. Section 84203 of the Government Code is repealed.

7 84203. (a) Each candidate or committee that makes or receives
8 a late contribution, as defined in Section 82036, shall report the
9 late contribution to each office with which the candidate or
10 committee is required to file its next campaign statement pursuant
11 to Section 84215. The candidate or committee that makes the late
12 contribution shall report his or her full name and street address
13 and the full name and street address of the person to whom the
14 late contribution has been made, the office sought if the recipient
15 is a candidate, or the ballot measure number or letter if the recipient
16 is a committee primarily formed to support or oppose a ballot
17 measure, and the date and amount of the late contribution. The
18 recipient of the late contribution shall report his or her full name
19 and street address, the date and amount of the late contribution,
20 and whether the contribution was made in the form of a loan. The
21 recipient shall also report the full name of the contributor, his or
22 her street address, occupation, and the name of his or her employer,
23 or if self-employed, the name of the business.

24 (b) A late contribution shall be reported by facsimile
25 transmission, guaranteed overnight delivery, or personal delivery
26 within 24 hours of the time it is made in the case of the candidate
27 or committee that makes the contribution and within 24 hours of
28 the time it is received in the case of the recipient. If a late
29 contribution is required to be reported to the Secretary of State,
30 the report to the Secretary of State shall be by online or electronic
31 transmission only. A late contribution shall be reported on
32 subsequent campaign statements without regard to reports filed
33 pursuant to this section.

34 (c) A late contribution need not be reported nor shall it be
35 deemed accepted if it is not cashed, negotiated, or deposited and
36 is returned to the contributor within 24 hours of its receipt.

37 (d) A report filed pursuant to this section shall be in addition to
38 any other campaign statement required to be filed by this chapter.

~~(e) The report required pursuant to this section is not required to be filed by a candidate or committee that has disclosed the late contribution pursuant to subdivision (a) or (b) of Section 85309.~~

SEC. 19. Section 84203.3 of the Government Code is amended to read:

84203.3. ~~(a)~~ Any candidate or committee that makes a late contribution that is an in-kind contribution shall notify the recipient in writing of the value of the in-kind contribution. The notice shall be received by the recipient within 24 hours of the time the contribution is made.

~~(b) Nothing in this section shall relieve a candidate or committee that makes a late in-kind contribution or the recipient of a late in-kind contribution from the requirement to file late contribution reports pursuant to Section 84203. However, a report filed by the recipient of a late in-kind contribution shall be deemed timely filed if it is received by the filing officer within 48 hours of the time the contribution is received.~~

SEC. 20. Section 84203.5 of the Government Code is amended to read:

84203.5. (a) In addition to any campaign statements required by this article, if a candidate or committee has made independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year to support or oppose a candidate, a measure or qualification of a measure, it shall file independent expenditure reports at the same time, covering the same periods, and in the places where the candidate or committee would be required to file campaign statements under this article, as if it were formed or existing primarily to support or oppose the candidate or measure or qualification of the measure. No independent expenditure report need be filed to cover a period for which there has been no activity to report *times prescribed by the Commission*.

(b) An independent expenditure report shall contain the following information:

(1) The name, street address, and telephone number of the candidate or committee making the expenditure and of the committee's treasurer, and the number assigned to the committee by the Secretary of State.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks nomination or election. If the report is related to a measure or

1 qualification of a measure, the number or letter of the measure, or
2 if none has yet been assigned, a brief description of the subject
3 matter of the measure, and the jurisdiction in which the measure
4 is to be voted on or would be voted on if it qualified.

5 (3) The total amount of expenditures related to the candidate or
6 measure during the period covered by the report made to persons
7 who have received less than one hundred dollars (\$100).

8 (4) The total amount of expenditures related to the candidate or
9 measure during the period covered by the report made to persons
10 who have received one hundred dollars (\$100) or more.

11 (5) For each person to whom an expenditure of one hundred
12 dollars (\$100) or more related to the candidate or measure has
13 been made during the period covered by the report and for each
14 person who has provided consideration for an expenditure of one
15 hundred dollars (\$100) or more during the period covered by the
16 report:

17 (A) His or her full name.

18 (B) His or her street address.

19 (C) If the person is a committee, the name of the committee,
20 the number assigned to the committee by the Secretary of State,
21 or if no number has been assigned, the full name and street address
22 of the treasurer of the committee.

23 (D) The date of the expenditure.

24 (E) The amount of the expenditure.

25 (F) A brief description of the consideration for which each
26 expenditure was made and the value of the consideration if less
27 than the total amount of the expenditure.

28 (G) The cumulative amount of expenditures to ~~such~~ *the* person.

29 (6) A list of all the filing officers with whom the committee
30 filed its most recent campaign statement.

31 (c) Filing officers shall maintain paper reports filed pursuant to
32 this section under the name of the candidate or measure supported
33 or opposed by the independent expenditure.

34 SEC. 21. Section 84204 of the Government Code is amended
35 to read:

36 84204. (a) A committee that makes a late independent
37 expenditure, as defined in Section 82036.5, shall report the late
38 independent expenditure by facsimile transmission, guaranteed
39 overnight delivery, or personal delivery within 24 hours of the
40 time it is made. If a late independent expenditure is required to be

1 reported to the Secretary of State, the report to the Secretary of
2 State shall be by online or electronic transmission only. A late
3 independent expenditure shall be reported on subsequent campaign
4 statements without regard to reports filed pursuant to this section.

5 (b) A committee that makes a late independent expenditure shall
6 report its full name and street address, as well as the name, office,
7 and district of the candidate if the report is related to a candidate,
8 or if the report is related to a measure, the number or letter of the
9 measure, the jurisdiction in which the measure is to be voted upon,
10 and the amount and the date, as well as a description of goods or
11 services for which the late independent expenditure was made. ~~In~~
12 ~~addition to the information required by this subdivision, a~~
13 ~~committee that makes a late independent expenditure shall include~~
14 ~~with its late independent expenditure report the information~~
15 ~~required by paragraphs (1) to (5), inclusive, of subdivision (f) of~~
16 ~~Section 84211, covering the period from the day after the closing~~
17 ~~date of the last campaign report filed to the date of the late~~
18 ~~independent expenditure, or if the committee has not previously~~
19 ~~filed a campaign statement, covering the period from the previous~~
20 ~~January 1 to the date of the late independent expenditure. No~~
21 ~~information required by paragraphs (1) to (5), inclusive, of~~
22 ~~subdivision (f) of Section 84211 that is required to be reported~~
23 ~~with a late independent expenditure report by this subdivision is~~
24 ~~required to be reported on more than one late independent~~
25 ~~expenditure report.~~

26 (c) A committee that makes a late independent expenditure shall
27 file a late independent expenditure report in the places where it
28 would be required to file campaign statements under this article
29 as if it were formed or existing primarily to support or oppose the
30 candidate or measure for or against which it is making the late
31 independent expenditure.

32 (d) A report filed pursuant to this section shall be in addition to
33 any other campaign statement required to be filed by this article.

34 (e) Expenditures that have been disclosed by candidates and
35 committees pursuant to Section 85500 are not required to be
36 disclosed pursuant to this section.

37 SEC. 22. Section 84204.5 of the Government Code is amended
38 to read:

39 84204.5. (a) In addition to any other report required by this
40 title, a committee pursuant to subdivision (a) of Section 82013 that

1 is required to file reports pursuant to Section 84605 shall file online
2 or electronically with the Secretary of State each time it makes
3 ~~contributions totaling five thousand dollars (\$5,000) or more or~~
4 ~~each time it makes~~ independent expenditures totaling five thousand
5 dollars (\$5,000) or more to support or oppose the qualification or
6 passage of a single state ballot measure. The report shall be filed
7 within 10 business days of making the contributions or independent
8 expenditures and shall contain all of the following:

9 (1) The full name, street address, and identification number of
10 the committee.

11 (2) The number or letter of the measure if the measure has
12 qualified for the ballot and has been assigned a number or letter;
13 the title of the measure if the measure has not been assigned a
14 number or letter but has been issued a title by the Attorney General;
15 or the subject of the measure if the measure has not been assigned
16 a number or letter and has not been issued a title by the Attorney
17 General.

18 ~~(3) In the case of a contribution, the date and amount of the~~
19 ~~contribution and the name, address, and identification number of~~
20 ~~the committee to whom the contribution was made. In addition,~~
21 ~~the report shall include the information required by paragraphs (1)~~
22 ~~to (5), inclusive, of subdivision (f) of Section 84211, regarding~~
23 ~~contributions or loans received from a person described in that~~
24 ~~subdivision, covering the period from the day after the closing~~
25 ~~date of the last campaign report filed to the date of the contribution~~
26 ~~requiring a report under this section, or if the committee has not~~
27 ~~previously filed a campaign statement, covering the period from~~
28 ~~the previous January 1 to the date of the contribution requiring a~~
29 ~~report under this section. No information described in paragraphs~~
30 ~~(1) to (5), inclusive, of subdivision (f) of Section 84211 that is~~
31 ~~required to be reported pursuant to this subdivision is required to~~
32 ~~be reported in more than one report provided for in this subdivision~~
33 ~~for each contribution or loan received from a person described in~~
34 ~~subdivision (f) of Section 84211.~~

35 ~~(4) In the case of an independent expenditure, the~~

36 (3) *The* date, amount, and a description of the goods or services
37 for which the expenditure was made. ~~In addition, the report shall~~
38 ~~include the information required by paragraphs (1) to (5), inclusive,~~
39 ~~of subdivision (f) of Section 84211 regarding contributions or~~
40 ~~loans received from a person described in that subdivision, covering~~

1 the period from the day after the closing date of the last campaign
2 report filed to the date of the expenditure, or if the committee has
3 not previously filed a campaign statement, covering the period
4 from the previous January 1 to the date of the expenditure. No
5 information described in paragraphs (1) to (5), inclusive, of
6 subdivision (f) of Section 84211 that is required to be reported
7 pursuant to this subdivision is required to be reported in more than
8 one report provided for in this subdivision for each contribution
9 or loan received from a person described in subdivision (f) of
10 Section 84211.

11 (b) Reports required by this section are not required to be filed
12 by a committee primarily formed to support or oppose the
13 qualification or passage of a state ballot measure for expenditures
14 made on behalf of the ballot measure or measures for which it is
15 formed.

16 (c) Independent expenditures that have been disclosed by a
17 committee pursuant to Section 84204 or 85500 are not required to
18 be disclosed pursuant to this section.

19 SEC. 23. Section 84205 of the Government Code is repealed.

20 ~~84205. The commission may by regulation or written advice~~
21 ~~permit candidates and committees to file campaign statements~~
22 ~~combining statements and reports required to be filed by this title.~~

23 SEC. 24. Section 84206 of the Government Code is repealed.

24 ~~84206. (a) The commission shall provide by regulation for a~~
25 ~~short form for filing reports required by this article for candidates~~
26 ~~or officeholders who receive contributions of less than one~~
27 ~~thousand dollars (\$1,000), and who make expenditures of less than~~
28 ~~one thousand dollars (\$1,000), in a calendar year.~~

29 ~~(b) For the purposes of this section, in calculating whether one~~
30 ~~thousand dollars (\$1,000) in expenditures have been made,~~
31 ~~payments for a filing fee or for a statement of qualification shall~~
32 ~~not be included if these payments have been made from the~~
33 ~~candidate's personal funds.~~

34 ~~(c) Every candidate or officeholder who has filed a short form~~
35 ~~pursuant to subdivision (a), and who thereafter receives~~
36 ~~contributions or makes expenditures totaling one thousand dollars~~
37 ~~(\$1,000) or more in a calendar year, shall send written notification~~
38 ~~to the Secretary of State, the local filing officer, and each candidate~~
39 ~~contending for the same office within 48 hours of receiving or~~

1 ~~expending a total of one thousand dollars (\$1,000). The written~~
2 ~~notification shall revoke the previously filed short form statement.~~

3 SEC. 25. Section 84209 of the Government Code is repealed.

4 ~~84209. A candidate or state measure proponent and any~~
5 ~~committee or committees which the candidate or a state measure~~
6 ~~proponent controls may file consolidated campaign statements~~
7 ~~under this chapter. Such consolidated statements shall be filed in~~
8 ~~each place each of the committees and the candidate or state~~
9 ~~measure proponent would be required to file campaign statements~~
10 ~~if separate statements were filed.~~

11 SEC. 26. Section 84211 of the Government Code is repealed.

12 ~~84211. Each campaign statement required by this article shall~~
13 ~~contain all of the following information:~~

14 ~~(a) The total amount of contributions received during the period~~
15 ~~covered by the campaign statement and the total cumulative amount~~
16 ~~of contributions received.~~

17 ~~(b) The total amount of expenditures made during the period~~
18 ~~covered by the campaign statement and the total cumulative amount~~
19 ~~of expenditures made.~~

20 ~~(c) The total amount of contributions received during the period~~
21 ~~covered by the campaign statement from persons who have given~~
22 ~~a cumulative amount of one hundred dollars (\$100) or more.~~

23 ~~(d) The total amount of contributions received during the period~~
24 ~~covered by the campaign statement from persons who have given~~
25 ~~a cumulative amount of less than one hundred dollars (\$100).~~

26 ~~(e) The balance of cash and cash equivalents on hand at the~~
27 ~~beginning and the end of the period covered by the campaign~~
28 ~~statement.~~

29 ~~(f) If the cumulative amount of contributions (including loans)~~
30 ~~received from a person is one hundred dollars (\$100) or more and~~
31 ~~a contribution or loan has been received from that person during~~
32 ~~the period covered by the campaign statement, all of the following:~~

33 ~~(1) His or her full name.~~

34 ~~(2) His or her street address.~~

35 ~~(3) His or her occupation.~~

36 ~~(4) The name of his or her employer, or if self-employed, the~~
37 ~~name of the business.~~

38 ~~(5) The date and amount received for each contribution received~~
39 ~~during the period covered by the campaign statement and if the~~
40 ~~contribution is a loan, the interest rate for the loan.~~

- 1 ~~(6) The cumulative amount of contributions.~~
- 2 ~~(g) If the cumulative amount of loans received from or made to~~
- 3 ~~a person is one hundred dollars (\$100) or more, and a loan has~~
- 4 ~~been received from or made to a person during the period covered~~
- 5 ~~by the campaign statement, or is outstanding during the period~~
- 6 ~~covered by the campaign statement, all of the following:~~
- 7 ~~(1) His or her full name.~~
- 8 ~~(2) His or her street address.~~
- 9 ~~(3) His or her occupation.~~
- 10 ~~(4) The name of his or her employer, or if self-employed, the~~
- 11 ~~name of the business.~~
- 12 ~~(5) The original date and amount of each loan.~~
- 13 ~~(6) The due date and interest rate of the loan.~~
- 14 ~~(7) The cumulative payment made or received to date at the end~~
- 15 ~~of the reporting period.~~
- 16 ~~(8) The balance outstanding at the end of the reporting period.~~
- 17 ~~(9) The cumulative amount of contributions.~~
- 18 ~~(h) For each person, other than the filer, who is directly,~~
- 19 ~~indirectly, or contingently liable for repayment of a loan received~~
- 20 ~~or outstanding during the period covered by the campaign~~
- 21 ~~statement, all of the following:~~
- 22 ~~(1) His or her full name.~~
- 23 ~~(2) His or her street address.~~
- 24 ~~(3) His or her occupation.~~
- 25 ~~(4) The name of his or her employer, or if self-employed, the~~
- 26 ~~name of the business.~~
- 27 ~~(5) The amount of his or her maximum liability outstanding.~~
- 28 ~~(i) The total amount of expenditures made during the period~~
- 29 ~~covered by the campaign statement to persons who have received~~
- 30 ~~one hundred dollars (\$100) or more.~~
- 31 ~~(j) The total amount of expenditures made during the period~~
- 32 ~~covered by the campaign statement to persons who have received~~
- 33 ~~less than one hundred dollars (\$100).~~
- 34 ~~(k) For each person to whom an expenditure of one hundred~~
- 35 ~~dollars (\$100) or more has been made during the period covered~~
- 36 ~~by the campaign statement, all of the following:~~
- 37 ~~(1) His or her full name.~~
- 38 ~~(2) His or her street address.~~
- 39 ~~(3) The amount of each expenditure.~~

1 ~~(4) A brief description of the consideration for which each~~
2 ~~expenditure was made.~~

3 ~~(5) In the case of an expenditure which is a contribution to a~~
4 ~~candidate, elected officer, or committee or an independent~~
5 ~~expenditure to support or oppose a candidate or measure, in~~
6 ~~addition to the information required in paragraphs (1) to (4) above,~~
7 ~~the date of the contribution or independent expenditure, the~~
8 ~~cumulative amount of contributions made to a candidate, elected~~
9 ~~officer, or committee, or the cumulative amount of independent~~
10 ~~expenditures made relative to a candidate or measure; the full name~~
11 ~~of the candidate, and the office and district for which he or she~~
12 ~~seeks nomination or election, or the number or letter of the~~
13 ~~measure; and the jurisdiction in which the measure or candidate~~
14 ~~is voted upon.~~

15 ~~(6) The information required in paragraphs (1) to (4), inclusive,~~
16 ~~for each person, if different from the payee, who has provided~~
17 ~~consideration for an expenditure of five hundred dollars (\$500) or~~
18 ~~more during the period covered by the campaign statement.~~

19 ~~For purposes of subdivisions (i), (j), and (k) only, the terms~~
20 ~~“expenditure” or “expenditures” mean any individual payment or~~
21 ~~accrued expense, unless it is clear from surrounding circumstances~~
22 ~~that a series of payments or accrued expenses are for a single~~
23 ~~service or product.~~

24 ~~(l) In the case of a controlled committee, an official committee~~
25 ~~of a political party, or an organization formed or existing primarily~~
26 ~~for political purposes, the amount and source of any miscellaneous~~
27 ~~receipt.~~

28 ~~(m) If a committee is listed pursuant to subdivision (f), (g), (h),~~
29 ~~(k), (l), or (q), the number assigned to the committee by the~~
30 ~~Secretary of State shall be listed, or if no number has been assigned,~~
31 ~~the full name and street address of the treasurer of the committee.~~

32 ~~(n) In a campaign statement filed by a candidate who is a~~
33 ~~candidate in both a state primary and general election, his or her~~
34 ~~controlled committee, or a committee primarily formed to support~~
35 ~~or oppose such a candidate, the total amount of contributions~~
36 ~~received and the total amount of expenditures made for the period~~
37 ~~January 1 through June 30 and the total amount of contributions~~
38 ~~received and expenditures made for the period July 1 through~~
39 ~~December 31.~~

1 ~~(o) The full name, residential or business address, and telephone~~
2 ~~number of the filer, or in the case of a campaign statement filed~~
3 ~~by a committee defined by subdivision (a) of Section 82013, the~~
4 ~~name, street address, and telephone number of the committee and~~
5 ~~of the committee treasurer. In the case of a committee defined by~~
6 ~~subdivision (b) or (c) of Section 82013, the name that the filer uses~~
7 ~~on campaign statements shall be the name by which the filer is~~
8 ~~identified for other legal purposes or any name by which the filer~~
9 ~~is commonly known to the public.~~

10 ~~(p) If the campaign statement is filed by a candidate, the name,~~
11 ~~street address, and treasurer of any committee of which he or she~~
12 ~~has knowledge which has received contributions or made~~
13 ~~expenditures on behalf of his or her candidacy and whether the~~
14 ~~committee is controlled by the candidate.~~

15 ~~(q) A contribution need not be reported nor shall it be deemed~~
16 ~~accepted if it is not cashed, negotiated, or deposited and is returned~~
17 ~~to the contributor before the closing date of the campaign statement~~
18 ~~on which the contribution would otherwise be reported.~~

19 ~~(r) If a committee primarily formed for the qualification or~~
20 ~~support of, or opposition to, an initiative or ballot measure is~~
21 ~~required to report an expenditure to a business entity pursuant to~~
22 ~~subdivision (k) and 50 percent or more of the business entity is~~
23 ~~owned by a candidate or person controlling the committee, by an~~
24 ~~officer or employee of the committee, or by a spouse of any of~~
25 ~~these individuals, the committee's campaign statement shall also~~
26 ~~contain, in addition to the information required by subdivision (k),~~
27 ~~that person's name, the relationship of that person to the committee,~~
28 ~~and a description of that person's ownership interest or position~~
29 ~~with the business entity.~~

30 ~~(s) If a committee primarily formed for the qualification or~~
31 ~~support of, or opposition to, an initiative or ballot measure is~~
32 ~~required to report an expenditure to a business entity pursuant to~~
33 ~~subdivision (k), and a candidate or person controlling the~~
34 ~~committee, an officer or employee of the committee, or a spouse~~
35 ~~of any of these individuals is an officer, partner, consultant, or~~
36 ~~employee of the business entity, the committee's campaign~~
37 ~~statement shall also contain, in addition to the information required~~
38 ~~by subdivision (k), that person's name, the relationship of that~~
39 ~~person to the committee, and a description of that person's~~
40 ~~ownership interest or position with the business entity.~~

1 (t) If the campaign statement is filed by a committee, as defined
2 in subdivision (b) or (c) of Section 82013, information sufficient
3 to identify the nature and interests of the filer, including:

4 (1) If the filer is an individual, the name and address of the
5 filer's employer, if any, or his or her principal place of business
6 if the filer is self-employed, and a description of the business
7 activity in which the filer or his or her employer is engaged.

8 (2) If the filer is a business entity, a description of the business
9 activity in which it is engaged.

10 (3) If the filer is an industry, trade, or professional association,
11 a description of the industry, trade, or profession which it
12 represents, including a specific description of any portion or faction
13 of the industry, trade, or profession which the association
14 exclusively or primarily represents.

15 (4) If the filer is not an individual, business entity, or industry,
16 trade, or professional association, a statement of the person's nature
17 and purposes, including a description of any industry, trade,
18 profession, or other group with a common economic interest which
19 the person principally represents or from which its membership
20 or financial support is principally derived.

21 SEC. 27. Section 84215 of the Government Code is amended
22 to read:

23 84215. All candidates and elected officers and their controlled
24 committees, except as provided in subdivisions (d) and (e), shall
25 file one copy of the campaign statements required by Section 84200
26 with the elections official of the county in which the candidate or
27 elected official is domiciled, as defined in subdivision (b) of
28 Section 349 of the Elections Code. In addition, campaign
29 statements shall be filed at the following places:

30 (a) Statewide elected officers, including members of the State
31 Board of Equalization; Members of the Legislature; Supreme Court
32 justices, court of appeal justices, and superior court judges;
33 candidates for those offices and their controlled committees;
34 committees formed or existing primarily to support or oppose these
35 candidates, elected officers, justices and judges, or statewide
36 measures, or the qualification of state ballot measures; and all state
37 general purpose committees and filers not specified in subdivisions
38 (b) to (e), inclusive, shall file a campaign statement by online or
39 electronic means, as specified in Section 84605, and shall file the

1 original and one copy of the campaign statement in paper format
2 with the Secretary of State.

3 (b) Elected officers in jurisdictions other than legislative
4 districts, State Board of Equalization districts, or appellate court
5 districts that contain parts of two or more counties, candidates for
6 these offices, their controlled committees, and committees formed
7 or existing primarily to support or oppose candidates or local
8 measures to be voted upon in one of these jurisdictions shall file
9 the original and one copy with the elections official of the county
10 with the largest number of registered voters in the jurisdiction.

11 (c) County elected officers, candidates for these offices, their
12 controlled committees, committees formed or existing primarily
13 to support or oppose candidates or local measures to be voted upon
14 in any number of jurisdictions within one county, other than those
15 specified in subdivision (d), and county general purpose
16 committees shall file the original and one copy with the elections
17 official of the county.

18 (d) City elected officers, candidates for city office, their
19 controlled committees, committees formed or existing primarily
20 to support or oppose candidates or local measures to be voted upon
21 in one city, and city general purpose committees shall file the
22 original and one copy with the clerk of the city and are not required
23 to file with the local elections official of the county in which they
24 are domiciled.

25 (e) Elected members of the Board of Administration of the
26 Public Employees' Retirement System, elected members of the
27 Teachers' Retirement Board, candidates for these offices, their
28 controlled committees, and committees formed or existing
29 primarily to support or oppose these candidates or elected members
30 shall file the original and one copy with the Secretary of State, and
31 a copy shall be filed at the relevant board's office in Sacramento.
32 These elected officers, candidates, and committees need not file
33 with the elections official of the county in which they are
34 domiciled.

35 (f) Notwithstanding any other provision of this section, a
36 committee, candidate, or elected officer is not required to file more
37 than the original and one copy, or one copy, of a campaign
38 statement with any one county elections official or city clerk or
39 with the Secretary of State.

1 (g) If a committee is required to file campaign statements
2 required by Section 84200 ~~or 84200.5~~ in places designated in
3 subdivisions (a) to (d), inclusive, it shall continue to file these
4 statements in those places, in addition to any other places required
5 by this title, until the end of the calendar year.

6 SEC. 28. Section 84216 of the Government Code is amended
7 to read:

8 84216. (a) Notwithstanding Section 82015, a loan received
9 by a candidate or committee is a contribution unless the loan is
10 received from a commercial lending institution in the ordinary
11 course of business, or it is clear from the surrounding circumstances
12 that it is not made for political purposes.

13 (b) A loan, whether or not there is a written contract for the
14 loan, shall be reported as provided in Section ~~84211~~ 84200 when
15 any of the following apply:

16 (1) The loan is a contribution.

17 (2) The loan is received by a committee.

18 (3) The loan is received by a candidate and is used for political
19 purposes.

20 SEC. 29. Section 84216.5 of the Government Code is repealed.

21 ~~84216.5. A loan of campaign funds, whether or not there is a~~
22 ~~written contract for the loan, made by a candidate or committee~~
23 ~~shall be reported as provided in Section 84211.~~

24 SEC. 30. Section 84218 of the Government Code is amended
25 to read:

26 84218. (a) A slate mailer organization shall file semiannual
27 campaign statements no later than July 31 for the period ending
28 June 30, and no later than January 31 for the period ending
29 December 31.

30 ~~(b) In addition to the semiannual statements required by~~
31 ~~subdivision (a), slate mailer organizations shall file preelection~~
32 ~~statements as follows:~~

33 ~~(1) Any slate mailer organization which produces a slate mailer~~
34 ~~supporting or opposing candidates or measures being voted on in~~
35 ~~an election held upon the first Tuesday after the first Monday in~~
36 ~~June or November of an even-numbered year shall file the~~
37 ~~statements specified in Section 84200.7 if, during the period~~
38 ~~covered by the preelection statement, the slate mailer organization~~
39 ~~receives payments totaling five hundred dollars (\$500) or more~~
40 ~~from any person for the support of or opposition to candidates or~~

1 ~~ballot measures in one or more slate mailers, or expends five~~
2 ~~hundred dollars (\$500) or more to produce one or more slate~~
3 ~~mailers.~~

4 ~~(2) Any slate mailer organization which produces a slate mailer~~
5 ~~supporting or opposing candidates or measures being voted on in~~
6 ~~an election held on a date other than the first Tuesday after the~~
7 ~~first Monday in June or November of an even-numbered year shall~~
8 ~~file the statements specified in Section 84200.8 if, during the period~~
9 ~~covered by the preelection statement, the slate mailer organization~~
10 ~~receives payments totaling five hundred dollars (\$500) or more~~
11 ~~from any person for the support of or opposition to candidates or~~
12 ~~ballot measures in one or more slate mailers, or expends five~~
13 ~~hundred dollars (\$500) or more to produce one or more slate~~
14 ~~mailers.~~

15 ~~-(e)~~

16 (b) A slate mailer organization shall file two copies of its
17 campaign reports with the clerk of the county in which it is
18 domiciled. A slate mailer organization is domiciled at the address
19 listed on its statement of organization unless it is domiciled outside
20 California, in which case its domicile shall be deemed to be Los
21 Angeles County for purposes of this section.

22 In addition, slate mailer organizations shall file campaign reports
23 as follows:

24 (1) A slate mailer organization which produces one or more
25 slate mailers supporting or opposing candidates or measures voted
26 on in a state election, or in more than one county, shall file
27 campaign reports in the same manner as state general purpose
28 committees pursuant to subdivision (a) of Section 84215.

29 (2) A slate mailer organization which produces one or more
30 slate mailers supporting or opposing candidates or measures voted
31 on in only one county, or in more than one jurisdiction within one
32 county, shall file campaign reports in the same manner as county
33 general purpose committees pursuant to subdivision (c) of Section
34 84215.

35 (3) A slate mailer organization which produces one or more
36 slate mailers supporting or opposing candidates or measures voted
37 on in only one city shall file campaign reports in the same manner
38 as city general purpose committees pursuant to subdivision (d) of
39 Section 84215.

1 (4) Notwithstanding the above, no slate mailer organization
2 shall be required to file more than the original and one copy, or
3 two copies, of a campaign report with any one county or city clerk
4 or with the Secretary of State.

5 SEC. 31. Section 84220 of the Government Code is repealed.

6 ~~84220. If a slate mailer organization receives a payment of two~~
7 ~~thousand five hundred dollars (\$2,500) or more for purposes of~~
8 ~~supporting or opposing any candidate or ballot measure in a slate~~
9 ~~mailer, and the payment is received at a time when, if the payment~~
10 ~~were a contribution it would be considered a late contribution, then~~
11 ~~the slate mailer organization shall report the payment in the manner~~
12 ~~set forth in Section 84203 for candidates and committees when~~
13 ~~reporting late contributions received. The slate mailer organization~~
14 ~~shall, in addition to reporting the information required by Section~~
15 ~~84203, identify the candidates or measures whose support or~~
16 ~~opposition is being paid for, in whole or in part, by each late~~
17 ~~payment.~~

18 SEC. 32. Article 2.5 (commencing with Section 84250) of
19 Chapter 4 of Title 9 of the Government Code is repealed.

20 SEC. 33. Section 84300 of the Government Code is amended
21 to read:

22 ~~84300. (a) No contribution of one hundred dollars (\$100) or~~
23 ~~more shall be made or received in cash.~~

24 ~~A cash contribution shall not be deemed received if it is not~~
25 ~~negotiated or deposited and is returned to the contributor before~~
26 ~~the closing date of the campaign statement on which the~~
27 ~~contribution would otherwise be reported. If a cash contribution,~~
28 ~~other than a late contribution, as defined in Section 82036, is~~
29 ~~negotiated or deposited, it shall not be deemed received if it is~~
30 ~~refunded within 72 hours of receipt. In the case of a late~~
31 ~~contribution, as defined in Section 82036, it shall not be deemed~~
32 ~~received if it is returned to the contributor within 48 hours of~~
33 ~~receipt.~~

34 ~~(b) No~~

35 ~~84300. (a) No expenditure of one hundred dollars (\$100) or~~
36 ~~more shall be made in cash.~~

37 ~~(c) No contribution of one hundred dollars (\$100) or more other~~
38 ~~than an in-kind contribution shall be made unless in the form of a~~
39 ~~written instrument containing the name of the donor and the name~~

1 of the payee and drawn from the account of the donor or the
2 intermediary, as defined in Section 84302.

3 (d)

4 (b) The value of all in-kind contributions of one hundred dollars
5 (\$100) or more shall be reported in writing to the recipient upon
6 the request in writing of the recipient.

7 SEC. 34. Section 84302 of the Government Code is repealed.

8 ~~84302. No person shall make a contribution on behalf of~~
9 ~~another, or while acting as the intermediary or agent of another,~~
10 ~~without disclosing to the recipient of the contribution both his own~~
11 ~~full name and street address, occupation, and the name of his~~
12 ~~employer, if any, or his principal place of business if he is~~
13 ~~self-employed, and the full name and street address, occupation,~~
14 ~~and the name of employer, if any, or principal place of business~~
15 ~~if self-employed, of the other person. The recipient of the~~
16 ~~contribution shall include in his campaign statement the full name~~
17 ~~and street address, occupation, and the name of the employer, if~~
18 ~~any, or the principal place of business if self-employed, of both~~
19 ~~the intermediary and the contributor.~~

20 SEC. 35. Section 84308 of the Government Code is amended
21 to read:

22 84308. (a) The definitions set forth in this subdivision shall
23 govern the interpretation of this section.

24 (1) "Party" means any person who files an application for, or
25 is the subject of, a proceeding involving a license, permit, or other
26 entitlement for use.

27 (2) "Participant" means any person who is not a party but who
28 actively supports or opposes a particular decision in a proceeding
29 involving a license, permit, or other entitlement for use and who
30 has a financial interest in the decision, as described in Article 1
31 (commencing with Section 87100) of Chapter 7. A person actively
32 supports or opposes a particular decision in a proceeding if he or
33 she lobbies in person the officers or employees of the agency,
34 testifies in person before the agency, or otherwise acts to influence
35 officers of the agency.

36 (3) "Agency" means an agency as defined in Section 82003,
37 except that it does not include the courts or any agency in the
38 judicial branch of government, local governmental agencies whose
39 members are directly elected by the voters, the Legislature, the
40 State Board of Equalization, or constitutional officers. However,

1 this section applies to any person who is a member of an exempted
2 agency but is acting as a voting member of another agency.

3 (4) “Officer” means any elected or appointed officer of an
4 agency, any alternate to an elected or appointed officer of an
5 agency, and any candidate for elective office in an agency.

6 (5) “License, permit, or other entitlement for use” means all
7 business, professional, trade, and land use licenses and permits
8 and all other entitlements for use, including all entitlements for
9 land use, all contracts (other than competitively bid, labor, or
10 personal employment contracts), and all franchises.

11 (6) “Contribution” includes contributions to candidates and
12 committees in federal, state, or local elections.

13 ~~(b) No officer of an agency shall accept, solicit, or direct a~~
14 ~~contribution of more than two hundred fifty dollars (\$250) from~~
15 ~~any party, or his or her agent, or from any participant, or his or her~~
16 ~~agent, while a proceeding involving a license, permit, or other~~
17 ~~entitlement for use is pending before the agency and for three~~
18 ~~months following the date a final decision is rendered in the~~
19 ~~proceeding if the officer knows or has reason to know that the~~
20 ~~participant has a financial interest, as that term is used in Article~~
21 ~~1 (commencing with Section 87100) of Chapter 7. This prohibition~~
22 ~~shall apply regardless of whether the officer accepts, solicits, or~~
23 ~~directs the contribution for himself or herself, or on behalf of any~~
24 ~~other officer, or on behalf of any candidate for office or on behalf~~
25 ~~of any committee.~~

26 ~~-(c)~~

27 (b) Prior to rendering any decision in a proceeding involving
28 a license, permit, or other entitlement for use pending before an
29 agency, each officer of the agency who received a contribution
30 within the preceding 12 months in an amount of more than two
31 hundred fifty dollars (\$250) from a party or from any participant
32 shall disclose that fact on the record of the proceeding. No officer
33 of an agency shall make, participate in making, or in any way
34 attempt to use his or her official position to influence the decision
35 in a proceeding involving a license, permit, or other entitlement
36 for use pending before the agency if the officer has willfully or
37 knowingly received a contribution in an amount of more than two
38 hundred fifty dollars (\$250) within the preceding 12 months from
39 a party or his or her agent, or from any participant, or his or her
40 agent if the officer knows or has reason to know that the participant

1 has a financial interest in the decision, as that term is described
2 with respect to public officials in Article 1 (commencing with
3 Section 87100) of Chapter 7.

4 If an officer receives a contribution ~~which~~ *that* would otherwise
5 require disqualification under this section, *and* returns the
6 contribution within 30 days from the time he or she knows, or
7 should have known, about the contribution and the proceeding
8 involving a license, permit, or other entitlement for use, he or she
9 shall be permitted to participate in the proceeding.

10 ~~(d)~~

11 (c) A party to a proceeding before an agency involving a
12 license, permit, or other entitlement for use shall disclose on the
13 record of the proceeding any contribution in an amount of more
14 than two hundred fifty dollars (\$250) made within the preceding
15 12 months by the party, or his or her agent, to any officer of the
16 agency. No party, or his or her agent, to a proceeding involving a
17 license, permit, or other entitlement for use pending before any
18 agency and no participant, or his or her agent, in the proceeding
19 shall make a contribution of more than two hundred fifty dollars
20 (\$250) to any officer of that agency during the proceeding and for
21 three months following the date a final decision is rendered by the
22 agency in the proceeding. When a closed corporation is a party to,
23 or a participant in, a proceeding involving a license, permit, or
24 other entitlement for use pending before an agency, the majority
25 shareholder is subject to the disclosure and prohibition
26 requirements specified in ~~subdivisions (b), (c),~~ *subdivision (b)* and
27 this subdivision.

28 ~~(e)~~

29 (d) Nothing in this section shall be construed to imply that any
30 contribution subject to being reported under this title shall not be
31 so reported.

32 SEC. 36. Section 84602 of the Government Code is amended
33 to read:

34 84602. To implement the Legislature's intent, the Secretary of
35 State, in consultation with the Commission, notwithstanding any
36 other provision of this code, shall do all of the following:

37 (a) Develop online and electronic filing processes for use by
38 persons and entities specified in Section 84605 that are required
39 to file statements and reports with the Secretary of State's office
40 pursuant to Chapter 4 (commencing with Section 84100) and

Chapter 6 (commencing with Section 86100). Those processes shall each enable a user to comply with all the disclosure requirements of this title and shall include, at a minimum, the following:

(1) A means or method whereby filers subject to this chapter may submit required filings free of charge. Any means or method developed pursuant to this provision shall not provide any additional or enhanced functions or services that exceed the minimum requirements necessary to fulfill the disclosure provisions of this title. At least one means or method shall be made available no later than December 31, 2002.

(2) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified Section 84605 and that conforms with the disclosure requirements of this title. The Secretary of State shall hold public hearings prior to development of the record format or formats as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than July 1, 1999, to ensure sufficient time to comply with *the requirements of this chapter*.

(b) Accept test files from software vendors and others wishing to file reports electronically, for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to subdivision (a) and is compatible with the Secretary of State's system for receiving the data. A list of the software and service providers who have submitted acceptable test files shall be published by the Secretary of State and made available to the public. Acceptably formatted files shall be submitted by a filer in order to meet the requirements of this chapter.

(c) Develop a system that provides for the online or electronic transfer of the data specified in this section utilizing telecommunications technology that assures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data.

(d) Make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. All ~~late contribution reports and late independent expenditure reports, as defined by Sections 84203 and 84204,~~

1 ~~respectively~~, shall be made available on the Internet within 24
2 hours of receipt. The data made available on the Internet shall not
3 contain the street name and building number of the persons or
4 entity representatives listed on the electronically filed forms or
5 any bank account number required to be disclosed pursuant to this
6 title.

7 (e) Develop a procedure for filers to comply with the
8 requirement that they sign under penalty of perjury pursuant to
9 Section 81004.

10 (f) Maintain all filed data online for 10 years after the date it is
11 filed, and then archive the information in a secure format.

12 (g) Provide assistance to those seeking public access to the
13 information.

14 (h) Implement sufficient technology to seek to prevent
15 unauthorized alteration or manipulation of the data.

16 (i) Provide the Commission with necessary information to enable
17 it to assist agencies, public officials, and others, with the
18 compliance with and administration of this title.

19 (j) Report to the Legislature on the implementation and
20 development of the online and electronic filing and disclosure
21 requirements of this chapter. The report shall include an
22 examination of system security, private security issues, software
23 availability, compliance costs to filers, use of the filing system and
24 software provided by the Secretary of State, and other issues
25 relating to this chapter, and shall recommend appropriate changes
26 if necessary. In preparing the report, the Commission may present
27 to the Secretary of State and the Legislature its comments regarding
28 this chapter as it relates to the duties of the Commission and
29 suggest appropriate changes if necessary. There shall be one report
30 due before the system is operational as set forth in Section 84603,
31 one report due no later than June 1, 2002, and one report due no
32 later than January 31, 2003.

33 (k) Review the current filing and disclosure requirements of
34 this chapter and report to the Legislature, no later than June 1,
35 2005, recommendations on revising these requirements so as to
36 promote greater reliance on electronic and online submissions.

37 SEC. 37. Section 84605 of the Government Code is amended
38 to read:

39 84605. (a) The following persons shall file online or
40 electronically with the Secretary of State:

1 (1) Any candidate, including superior court, appellate court,
2 and Supreme Court candidates and officeholders, committee, or
3 other persons who are required, pursuant to Chapter 4 (commencing
4 with Section 84100), to file statements, reports, or other documents
5 in connection with a state elective office or state measure, provided
6 that the total cumulative reportable amount of contributions
7 received, expenditures made, loans made, or loans received is
8 twenty-five thousand dollars (\$25,000) or more. In determining
9 the cumulative reportable amount, all controlled committees, as
10 defined by Section 82016, shall be included. For a committee
11 subject to this title prior to January 1, 2000, the beginning date for
12 calculating cumulative totals is January 1, 2000. For a committee
13 that is first subject to this title on or after January 1, 2000, the
14 beginning date for calculating cumulative totals is the date the
15 committee is first subject to this title. A committee, as defined in
16 subdivision (c) of Section 82013, shall file online or electronically
17 if it makes contributions of twenty-five thousand dollars (\$25,000)
18 or more in a calendar year.

19 (2) Any general purpose committees, as defined in Section
20 82027.5, including the general purpose committees of political
21 parties, and small contributor committees, as defined in Section
22 85203, that cumulatively receive contributions or make
23 expenditures totaling twenty-five thousand dollars (\$25,000) or
24 more to support or oppose candidates for any elective state office
25 or state measure. For a committee subject to this title prior to
26 January 1, 2000, the beginning date for calculating cumulative
27 totals is January 1, 2000. For a committee that first is subject to
28 this title on or after January 1, 2000, the beginning date for
29 calculating cumulative totals is the date the committee is first
30 subject to this title.

31 (3) Any slate mailer organization with cumulative reportable
32 payments received or made for the purposes of producing slate
33 mailers of twenty-five thousand dollars (\$25,000) or more. For a
34 slate mailer organization subject to this title prior to January 1,
35 2000, the beginning date for calculating cumulative totals is
36 January 1, 2000. For a slate mailer organization that first is subject
37 to this title on or after January 1, 2000, the beginning date for
38 calculating cumulative totals is the date the organization is first
39 subject to this title.

(4) Any lobbyist, lobbying firm, lobbyist employer, or other persons required, pursuant to Chapter 6 (commencing with Section 86100), to file statements, reports, or other documents, provided that the total amount of any category of reportable payments, expenses, contributions, gifts, or other items is two thousand five hundred dollars (\$2,500) or more in a calendar quarter.

(b) The Secretary of State shall also disclose on the Internet any late contribution *report* or late independent expenditure report, as defined by Sections 84203 and 84204, respectively, not covered by paragraph (1), (2), or (3) of subdivision (a) or any other provision of law.

(c) Committees and other persons that are not required to file online or electronically by this section may do so voluntarily.

(d) Once a person or entity is required to file online or electronically, subject to subdivision (a) or (c), the person or entity shall be required to file all subsequent reports online or electronically.

(e) It shall be presumed that online or electronic filers file under penalty of perjury.

(f) Persons filing online or electronically shall also continue to file required disclosure statements and reports in paper format. The paper copy shall continue to be the official filing for audit and other legal purposes until the Secretary of State, pursuant to Section 84606, determines the system is operating securely and effectively.

(g) The Secretary of State shall maintain at all times a secured, official version of all original online and electronically filed statements and reports required by this chapter. Upon determination by the Secretary of State, pursuant to Section 84606, that the system is operating securely and effectively, this online or electronic version shall be the official version for audit and other legal purposes.

(h) Except for statements related to a local elective office or a local ballot measure filed by a candidate for local elective office who is also a candidate for elective state office, a copy of a statement, report, or other document filed by online or electronic means with the Secretary of State shall not be filed with a local filing officer.

SEC. 38. Section 85300 of the Government Code is repealed.

~~85300. No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.~~

1 SEC. 39. Section 85301 of the Government Code is repealed.

2 ~~85301. (a) A person, other than a small contributor committee~~
3 ~~or political party committee, may not make to any candidate for~~
4 ~~elective state office other than a candidate for statewide elective~~
5 ~~office, and a candidate for elective state office other than a~~
6 ~~candidate for statewide elective office may not accept from a~~
7 ~~person, any contribution totaling more than three thousand dollars~~
8 ~~(\$3,000) per election.~~

9 ~~(b) Except to a candidate for Governor, a person, other than a~~
10 ~~small contributor committee or political party committee, may not~~
11 ~~make to any candidate for statewide elective office, and except a~~
12 ~~candidate for Governor, a candidate for statewide elective office~~
13 ~~may not accept from a person other than a small contributor~~
14 ~~committee or a political party committee, any contribution totaling~~
15 ~~more than five thousand dollars (\$5,000) per election.~~

16 ~~(c) A person, other than a small contributor committee or~~
17 ~~political party committee, may not make to any candidate for~~
18 ~~Governor, and a candidate for governor may not accept from any~~
19 ~~person other than a small contributor committee or political party~~
20 ~~committee, any contribution totaling more than twenty thousand~~
21 ~~dollars (\$20,000) per election.~~

22 ~~(d) The provisions of this section do not apply to a candidate's~~
23 ~~contributions of his or her personal funds to his or her own~~
24 ~~campaign.~~

25 SEC. 40. Section 85302 of the Government Code is repealed.

26 ~~85302. (a) A small contributor committee may not make to~~
27 ~~any candidate for elective state office other than a candidate for~~
28 ~~statewide elective office, and a candidate for elective state office,~~
29 ~~other than a candidate for statewide elective office may not accept~~
30 ~~from a small contributor committee, any contribution totaling more~~
31 ~~than six thousand dollars (\$6,000) per election.~~

32 ~~(b) Except to a candidate for Governor, a small contributor~~
33 ~~committee may not make to any candidate for statewide elective~~
34 ~~office and except for a candidate for Governor, a candidate for~~
35 ~~statewide elective office may not accept from a small contributor~~
36 ~~committee, any contribution totaling more than ten thousand dollars~~
37 ~~(\$10,000) per election.~~

38 ~~(c) A small contributor committee may not make to any~~
39 ~~candidate for Governor, and a candidate for governor may not~~

~~accept from a small contributor committee, any contribution totaling more than twenty thousand dollars (\$20,000) per election.~~

SEC. 41. Section 85303 of the Government Code is repealed.

~~85303. (a) A person may not make to any committee, other than a political party committee, and a committee other than a political party committee may not accept, any contribution totaling more than five thousand dollars (\$5,000) per calendar year for the purpose of making contributions to candidates for elective state office.~~

~~(b) A person may not make to any political party committee, and a political party committee may not accept, any contribution totaling more than twenty-five thousand dollars (\$25,000) per calendar year for the purpose of making contributions for the support or defeat of candidates for elective state office. Notwithstanding Section 85312, this limit applies to contributions made to a political party used for the purpose of making expenditures at the behest of a candidate for elective state office for communications to party members related to the candidate's candidacy for elective state office.~~

~~(c) Except as provided in Section 85310, nothing in this chapter shall limit a person's contributions to a committee or political party committee provided the contributions are used for purposes other than making contributions to candidates for elective state office.~~

~~(d) Nothing in this chapter limits a candidate for elected state office from transferring contributions received by the candidate in excess of any amount necessary to defray the candidate's expenses for election related activities or holding office to a political party committee, provided those transferred contributions are used for purposes consistent with paragraph (4) of subdivision (b) of Section 89519.~~

SEC. 42. Section 85304 of the Government Code is amended to read:

85304. (a) A candidate for elective state office or an elected state officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental

1 activities and duties. These funds may be used only to defray those
2 ~~attorney~~ attorney's fees and other related legal costs.

3 (b) ~~A candidate may receive contributions to this account that~~
4 ~~are not subject to the contribution limits set forth in this article.~~
5 However, all contributions shall be reported in ~~a~~ *the* manner
6 prescribed by ~~the commission~~ Section 84200.

7 (c) Once the legal dispute is resolved, the candidate shall dispose
8 of any funds remaining after all expenses associated with the
9 dispute are discharged for one or more of the purposes set forth in
10 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
11 89519.

12 SEC. 43. Section 85304.5 of the Government Code is amended
13 to read:

14 85304.5. (a) A candidate for elective office other than an
15 elective state office or an elected officer other than an elected state
16 officer may establish a separate account pursuant to subdivision
17 (a) of Section 85304 and may use these funds only to defray
18 attorney's fees and other related legal costs.

19 (b) A candidate for an elective office other than an elective state
20 office may receive contributions to the separate account, *which*
21 *shall not be* subject to any limitations provided by local ordinance.
22 However, all contributions to these separate accounts shall be
23 reported in ~~a~~ *the* manner prescribed by ~~the commission~~ Section
24 84200.

25 (c) Once the legal dispute is resolved, the candidate or elected
26 officer shall dispose of any funds remaining in the separate
27 accounts after all expenses associated with the dispute are
28 discharged for one or more of the purposes set forth in paragraphs
29 (1) to (5), inclusive, of subdivision (b) of Section 89519.

30 SEC. 44. Section 85305 of the Government Code is repealed.

31 ~~85305. A candidate for elective state office or committee~~
32 ~~controlled by that candidate may not make any contribution to any~~
33 ~~other candidate for elective state office in excess of the limits set~~
34 ~~forth in subdivision (a) of Section 85301.~~

35 SEC. 45. Section 85306 of the Government Code is amended
36 to read:

37 85306. (a) A candidate may transfer campaign funds from one
38 controlled committee to a controlled committee for elective state
39 office of the same candidate. Contributions transferred shall be
40 attributed to specific contributors using a "last in, first out" or "first

1 in, first out” accounting method, ~~and these attributed contributions~~
2 ~~when aggregated with all other contributions from the same~~
3 ~~contributor may not exceed the limits set forth in Section 85301~~
4 ~~or 85302.~~

5 (b) Notwithstanding subdivision (a), a candidate for elective
6 state office, other than a candidate for statewide elective office,
7 who possesses campaign funds on January 1, 2001, may use those
8 funds to seek elective office without attributing the funds to specific
9 contributors.

10 (c) Notwithstanding subdivision (a), a candidate for statewide
11 elective office who possesses campaign funds on November 6,
12 2002, may use those funds to seek elective office without
13 attributing the funds to specific contributors.

14 SEC. 46. Section 85307 of the Government Code is repealed.

15 ~~85307. (a) The provisions of this article regarding loans apply~~
16 ~~to extensions of credit, but do not apply to loans made to a~~
17 ~~candidate by a commercial lending institution in the lender’s~~
18 ~~regular course of business on terms available to members of the~~
19 ~~general public for which the candidate is personally liable.~~

20 ~~(b) Notwithstanding subdivision (a), a candidate for elective~~
21 ~~state office may not personally loan to his or her campaign,~~
22 ~~including the proceeds of a loan obtained by the candidate from a~~
23 ~~commercial lending institution, an amount, the outstanding balance~~
24 ~~of which exceeds one hundred thousand dollars (\$100,000). A~~
25 ~~candidate may not charge interest on any loan he or she made to~~
26 ~~his or her campaign.~~

27 SEC. 47. Section 85309 of the Government Code is repealed.

28 ~~85309. (a) In addition to any other report required by this title,~~
29 ~~a candidate for elective state office who is required to file reports~~
30 ~~pursuant to Section 84605 shall file online or electronically with~~
31 ~~the Secretary of State a report disclosing receipt of a contribution~~
32 ~~of one thousand dollars (\$1,000) or more received during an~~
33 ~~election cycle. Those reports shall disclose the same information~~
34 ~~required by subdivision (a) of Section 84203 and shall be filed~~
35 ~~within 24 hours of receipt of the contribution.~~

36 ~~(b) In addition to any other report required by this title, any~~
37 ~~committee primarily formed to support or oppose one or more~~
38 ~~state ballot measures that is required to file reports pursuant to~~
39 ~~Section 84605 shall file online or electronically with the Secretary~~
40 ~~of State a report disclosing receipt of a contribution of one thousand~~

1 dollars (\$1,000) or more received during an election cycle. Those
2 reports shall disclose the same information required by subdivision
3 (a) of Section 84203 and shall be filed within 24 hours of receipt
4 of the contribution.

5 (e) In addition to any other report required by this title, a
6 candidate for elective state office who is required to file reports
7 pursuant to Section 84605 shall file online or electronically with
8 the Secretary of State a report disclosing receipt of a contribution
9 of five thousand dollars (\$5,000) or more received at any time
10 other than during an election cycle. Those reports shall disclose
11 the same information required by subdivision (a) of Section 84203
12 and shall be filed within 10 business days of receipt of the
13 contribution.

14 (d) In addition to any other report required by this title, a
15 committee primarily formed to support or oppose a state ballot
16 measure that is required to file reports pursuant to Section 84605
17 shall file online or electronically with the Secretary of State a report
18 disclosing receipt of a contribution of five thousand dollars
19 (\$5,000) or more received at any time other than during an election
20 cycle. Those reports shall disclose the same information required
21 by subdivision (a) of Section 84203 and shall be filed within 10
22 business days of receipt of the contribution.

23 SEC. 48. Section 85310 of the Government Code is amended
24 to read:

25 85310. (a) Any person who makes a payment or a promise of
26 payment totaling fifty thousand dollars (\$50,000) or more for a
27 communication that clearly identifies a candidate for elective state
28 office, but does not expressly advocate the election or defeat of
29 the candidate, and that is disseminated, broadcast, or otherwise
30 published within 45 days of an election, shall file online or
31 electronically with the Secretary of State a report disclosing the
32 name of the person, address, occupation, and employer, and amount
33 of the payment. The report shall be filed within 48 hours of making
34 the payment or the promise to make the payment.

35 (b) (1) Except as provided in paragraph (2), if any person has
36 received a payment or a promise of a payment from other persons
37 totaling five thousand dollars (\$5,000) or more for the purpose of
38 making a communication described in subdivision (a), the person
39 receiving the payments shall disclose on the report the name,

1 address, occupation and employer, and date and amount received
2 from the person.

3 (2) A person who receives or is promised a payment that is
4 otherwise reportable under paragraph (1) is not required to report
5 the payment if the person is in the business of providing goods or
6 services and receives or is promised the payment for the purpose
7 of providing those goods or services.

8 ~~(c) Any payment received by a person who makes a~~
9 ~~communication described in subdivision (a) is subject to the limits~~
10 ~~specified in subdivision (b) of Section 85303 if the communication~~
11 ~~is made at the behest of the clearly identified candidate.~~

12 SEC. 49. Section 85314 of the Government Code is repealed.

13 ~~85314. The contribution limits of this chapter apply to special~~
14 ~~elections and apply to special runoff elections. A special election~~
15 ~~and a special runoff election are separate elections for purposes~~
16 ~~of the contribution and voluntary expenditure limits set forth in~~
17 ~~this chapter.~~

18 SEC. 50. Section 85315 of the Government Code is amended
19 to read:

20 85315. (a) Notwithstanding any other provision of this chapter,
21 an elected state officer may establish a committee to oppose the
22 qualification of a recall measure; and the recall election. This
23 committee may be established when the elected state officer
24 receives a notice of intent to recall pursuant to Section 11021 of
25 the Elections Code. An elected state officer may accept campaign
26 contributions to oppose the qualification of a recall measure; ~~and~~
27 ~~if qualification is successful, the recall election, without regard to~~
28 ~~the campaign contributions limits set forth in this chapter.~~ The
29 voluntary expenditure limits do not apply to expenditures made
30 to oppose the qualification of a recall measure or to oppose the
31 recall election.

32 (b) After the failure of a recall petition or after the recall
33 election, the committee formed by the elected state officer shall
34 wind down its activities and dissolve. Any remaining funds shall
35 be treated as surplus funds and shall be expended within 30 days
36 after the failure of the recall petition or after the recall election for
37 a purpose specified in subdivision (b) of Section 89519.

38 SEC. 51. Section 85316 of the Government Code is amended
39 to read:

1 85316. (a) Except as provided in subdivision (b), a contribution
2 for an election may be accepted by a candidate for elective state
3 office after the date of the election only to the extent that the
4 contribution does not exceed net debts outstanding from the
5 election, ~~and the contribution does not otherwise exceed the~~
6 ~~applicable contribution limit for that election.~~

7 (b) Notwithstanding subdivision (a), an elected state officer
8 may accept contributions after the date of the election for the
9 purpose of paying expenses associated with holding the office
10 provided that the contributions are not expended for any
11 contribution to any state or local committee. Contributions received
12 pursuant to this subdivision shall be deposited into a bank account
13 established solely for the purposes specified in this subdivision.

14 ~~(1) No person shall make, and no elected state officer shall~~
15 ~~receive from a person, a contribution pursuant to this subdivision~~
16 ~~totaling more than the following amounts per calendar year:~~

17 ~~(A) Three thousand dollars (\$3,000) in the case of an elected~~
18 ~~state officer of the Assembly or Senate.~~

19 ~~(B) Five thousand dollars (\$5,000) in the case of a statewide~~
20 ~~elected state officer other than the Governor.~~

21 ~~(C) Twenty thousand dollars (\$20,000) in the case of the~~
22 ~~Governor.~~

23 ~~(2) No elected state officer shall receive contributions pursuant~~
24 ~~to paragraph (1) that, in the aggregate, total more than the following~~
25 ~~amounts per calendar year:~~

26 ~~(A) Fifty thousand dollars (\$50,000) in the case of an elected~~
27 ~~state officer of the Assembly or Senate.~~

28 ~~(B) One hundred thousand dollars (\$100,000) in the case of a~~
29 ~~statewide elected state officer other than the Governor.~~

30 ~~(C) Two hundred thousand dollars (\$200,000) in the case of the~~
31 ~~Governor.~~

32 ~~-(3)~~

33 (c) Any contribution received pursuant to this ~~subdivision~~
34 ~~section~~ shall be deemed to be a contribution to that candidate for
35 election to any state office that he or she may seek during the term
36 of office to which he or she is currently elected, including, but not
37 limited to, reelection to the office he or she currently holds, ~~and~~
38 ~~shall be subject to any applicable contribution limit provided in~~
39 ~~this title. If a contribution received pursuant to this subdivision~~
40 ~~exceeds the allowable contribution limit for the office sought, the~~

1 candidate shall return the amount exceeding the limit to the
2 contributor on a basis to be determined by the Commission. None
3 of the expenditures made by elected state officers pursuant to this
4 subdivision shall be subject to the voluntary expenditure limitations
5 in Section 85400.

6 ~~(4) The commission shall adjust the calendar year contribution~~
7 ~~limitations and aggregate contribution limitations set forth in this~~
8 ~~subdivision in January of every odd-numbered year to reflect any~~
9 ~~increase or decrease in the Consumer Price Index. Those~~
10 ~~adjustments shall be rounded to the nearest one hundred dollars~~
11 ~~(\$100).~~

12 SEC. 52. Section 85320 of the Government Code is repealed.

13 ~~85320. (a) No foreign government or foreign principal shall~~
14 ~~make, directly or through any other person, any contribution;~~
15 ~~expenditure, or independent expenditure in connection with the~~
16 ~~qualification or support of, or opposition to, any state or local ballot~~
17 ~~measure.~~

18 ~~(b) No person and no committee shall solicit or accept a~~
19 ~~contribution from a foreign government or foreign principal in~~
20 ~~connection with the qualification or support of, or opposition to,~~
21 ~~any state or local ballot measure.~~

22 ~~(c) For the purposes of this section, a “foreign principal”~~
23 ~~includes the following:~~

24 ~~(1) A foreign political party.~~

25 ~~(2) A person outside the United States, unless either of the~~
26 ~~following is established:~~

27 ~~(A) The person is an individual and a citizen of the United~~
28 ~~States.~~

29 ~~(B) The person is not an individual and is organized under or~~
30 ~~created by the laws of the United States or of any state or other~~
31 ~~place subject to the jurisdiction of the United States and has its~~
32 ~~principal place of business within the United States.~~

33 ~~(3) A partnership, association, corporation, organization, or~~
34 ~~other combination of persons organized under the laws of or having~~
35 ~~its principal place of business in a foreign country.~~

36 ~~(4) A domestic subsidiary of a foreign corporation if the decision~~
37 ~~to contribute or expend funds is made by an officer, director, or~~
38 ~~management employee of the foreign corporation who is neither~~
39 ~~a citizen of the United States nor a lawfully admitted permanent~~
40 ~~resident of the United States.~~

1 ~~(d) This section shall not prohibit a contribution, expenditure,~~
2 ~~or independent expenditure made by a lawfully admitted permanent~~
3 ~~resident.~~

4 ~~(e) Any person who violates this section shall be guilty of a~~
5 ~~misdemeanor and shall be fined an amount equal to the amount~~
6 ~~contributed or expended.~~

7 SEC. 53. Section 85321 of the Government Code is repealed.

8 ~~85321. Notwithstanding any other provision of this chapter, if~~
9 ~~a candidate for elective state office or the candidate's controlled~~
10 ~~committee had net debts resulting from an election held prior to~~
11 ~~January 1, 2001, contributions to that candidate or committee for~~
12 ~~that election are not subject to the limits of Sections 85301 and~~
13 ~~85302.~~

14 SEC. 54. Section 85501 of the Government Code is amended
15 to read:

16 85501. A controlled committee of a candidate may not make
17 independent expenditures ~~and may not contribute funds to another~~
18 ~~committee for the purpose of making independent expenditures to~~
19 support or oppose other candidates.

20 SEC. 55. Section 85701 of the Government Code is repealed.

21 ~~85701. Any candidate or committee that receives a contribution~~
22 ~~in violation of Section 84301 shall pay to the General Fund of the~~
23 ~~state the amount of the contribution.~~

24 SEC. 56. Section 85702 of the Government Code is repealed.

25 ~~85702. An elected state officer or candidate for elected state~~
26 ~~office may not accept a contribution from a lobbyist, and a lobbyist~~
27 ~~may not make a contribution to an elected state officer or candidate~~
28 ~~for elected state office, if that lobbyist is registered to lobby the~~
29 ~~governmental agency for which the candidate is seeking election~~
30 ~~or the governmental agency of the elected state officer.~~

31 SEC. 57. Section 85704 of the Government Code is repealed.

32 ~~85704. A person may not make any contribution to a committee~~
33 ~~on the condition or with the agreement that it will be contributed~~
34 ~~to any particular candidate unless the contribution is fully disclosed~~
35 ~~pursuant to Section 84302.~~

36 SEC. 58. Section 89510 of the Government Code is amended
37 to read:

38 ~~89510. (a) A candidate for elective state office may only accept~~
39 ~~contributions within the limits provided in Chapter 5 (commencing~~
40 ~~with Section 85100).~~

1 ~~(b) All~~

2 89510. All contributions deposited into the campaign account
3 shall be deemed to be held in trust for expenses associated with
4 the election of the candidate or for expenses associated with
5 holding office.

6 SEC. 59. Section 89511.5 of the Government Code is amended
7 to read:

8 89511.5. (a) An incumbent elected officer may utilize his or
9 her personal funds for expenditures authorized by ~~subdivision (b)~~
10 ~~of Section 89510~~ without first depositing those funds in his or her
11 controlled committee's campaign bank account, if both of the
12 following conditions are met:

13 (1) The expenditures are not campaign expenses.

14 (2) The treasurer of the committee is provided with a dated
15 receipt and a written description of the expenditure.

16 (b) An incumbent elected officer may be reimbursed for
17 expenditures of his or her personal funds, from either the controlled
18 committee campaign bank account established pursuant to Section
19 85201 with respect to election to the incumbent term of office, or
20 from a controlled committee campaign bank account established
21 pursuant to Section 85201 with respect to election to a future term
22 of office, if all of the following conditions are met:

23 (1) The expenditures are not campaign expenses.

24 (2) The incumbent elected officer, prior to reimbursement,
25 provides the treasurer of the committee with a dated receipt and a
26 written description of each expenditure.

27 (3) Reimbursement is paid within 90 days of the expenditure,
28 in the case of a cash expenditure, or within 90 days of the end of
29 the billing period in which it was included, in the case of an
30 expenditure charged to a credit card or charge account.

31 ~~(c) When the elected officer's controlled committee is notified~~
32 ~~that expenditures totaling one hundred dollars (\$100) or more in~~
33 ~~a fiscal year have been made by the incumbent elected officer, the~~
34 ~~committee shall report, pursuant to subdivision (k) of Section~~
35 ~~84211, the expenditures on the campaign statement for the period~~
36 ~~in which the expenditures were made and the reimbursements on~~
37 ~~the campaign statement for the period in which the reimbursements~~
38 ~~were made.~~

39 ~~-(d)~~

1 (c) If reimbursement is not paid within the time authorized by
2 this section, the expenditure shall be reported on the campaign
3 statement as a nonmonetary contribution received on the 90th day
4 after the expenditure is paid, in the case of a cash expenditure, or
5 within 90 days of the end of the billing period in which it was
6 included, in the case of an expenditure charged to a credit card or
7 charge account.

8 ~~(e)~~

9 (d) This section shall not be construed to authorize an
10 incumbent elected officer to make expenditures from any campaign
11 bank account for expenses other than those expenses associated
12 with his or her election to the specific office for which the account
13 was established and expenses associated with holding that office.

14 SEC. 60. Section 89512.5 of the Government Code is amended
15 to read:

16 89512.5. (a) Subject to the provisions of subdivision (b), any
17 expenditure by a committee not subject to the trust imposed by
18 ~~subdivision (b) of~~ Section 89510 shall be reasonably related to a
19 political, legislative, or governmental purpose of the committee.

20 (b) Any expenditure by a committee that confers a substantial
21 personal benefit on any individual or individuals with authority to
22 approve the expenditure of campaign funds held by the committee,
23 shall be directly related to a political, legislative, or governmental
24 purpose of the committee.

25 SEC. 61. Section 89513 of the Government Code is amended
26 to read:

27 89513. This section governs the use of campaign funds for the
28 specific expenditures set forth in this section. It is the intent of the
29 Legislature that this section shall guide the interpretation of the
30 standard imposed by Section 89512 as applied to other expenditures
31 not specifically set forth in this section.

32 (a) (1) Campaign funds shall not be used to pay or reimburse
33 the candidate, the elected officer, or any individual or individuals
34 with authority to approve the expenditure of campaign funds held
35 by a committee, or employees or staff of the committee or the
36 elected officer's governmental agency for travel expenses and
37 necessary accommodations except when these expenditures are
38 directly related to a political, legislative, or governmental purpose.

39 (2) For the purposes of this section, payments or reimbursements
40 for travel and necessary accommodations shall be considered as

1 directly related to a political, legislative, or governmental purpose
2 if the payments would meet standards similar to the standards of
3 the Internal Revenue Service pursuant to Sections 162 and 274 of
4 the Internal Revenue Code for deductions of travel expenses under
5 the federal income tax law.

6 (3) For the purposes of this section, payments or reimbursement
7 for travel by the household of a candidate or elected officer when
8 traveling to the same destination in order to accompany the
9 candidate or elected officer shall be considered for the same
10 purpose as the candidate's or elected officer's travel.

11 ~~(4) Whenever campaign funds are used to pay or reimburse a~~
12 ~~candidate, elected officer, his or her representative, or a member~~
13 ~~of the candidate's household for travel expenses and necessary~~
14 ~~accommodations, the expenditure shall be reported as required by~~
15 ~~Section 84211.~~

16 ~~-(5)~~

17 (4) Whenever campaign funds are used to pay or reimburse for
18 travel expenses and necessary accommodations, any mileage credit
19 that is earned or awarded pursuant to an airline bonus mileage
20 program shall be deemed personally earned by or awarded to the
21 individual traveler. Neither the earning or awarding of mileage
22 credit, nor the redeeming of credit for actual travel, shall be subject
23 to reporting pursuant to Section 84211.

24 (b) (1) Campaign funds shall not be used to pay for or reimburse
25 the cost of professional services unless the services are directly
26 related to a political, legislative, or governmental purpose.

27 (2) Expenditures by a committee to pay for professional services
28 reasonably required by the committee to assist it in the performance
29 of its administrative functions are directly related to a political,
30 legislative, or governmental purpose.

31 (3) Campaign funds shall not be used to pay health-related
32 expenses for a candidate, elected officer, or any individual or
33 individuals with authority to approve the expenditure of campaign
34 funds held by a committee, or members of his or her household.
35 "Health-related expenses" includes, but is not limited to,
36 examinations by physicians, dentists, psychiatrists, psychologists,
37 or counselors, expenses for medications, treatments, or medical
38 equipment, and expenses for hospitalization, health club dues, and
39 special dietary foods. However, campaign funds may be used to

1 pay employer costs of health care benefits of a bona fide employee
2 or independent contractor of the committee.

3 (c) Campaign funds shall not be used to pay or reimburse fines,
4 penalties, judgments, or settlements, except those resulting from
5 either of the following:

6 (1) Parking citations incurred in the performance of an activity
7 that was directly related to a political, legislative, or governmental
8 purpose.

9 (2) Any other action for which payment of attorney's fees from
10 contributions would be permitted pursuant to this title.

11 (d) Campaign funds shall not be used for campaign, business,
12 or casual clothing, except specialty clothing that is not suitable for
13 everyday use, including, but not limited to, formal wear, if this
14 attire is to be worn by the candidate or elected officer and is directly
15 related to a political, legislative, or governmental purpose.

16 (e) (1) Except where otherwise prohibited by law, campaign
17 funds may be used to purchase or reimburse for the costs of
18 purchase of tickets to political fundraising events for the attendance
19 of a candidate, elected officer, or his or her immediate family, or
20 an officer, director, employee, or staff of the committee or the
21 elected officer's governmental agency.

22 (2) Campaign funds shall not be used to pay for or reimburse
23 for the costs of tickets for entertainment or sporting events for the
24 candidate, elected officer, or members of his or her immediate
25 family, or an officer, director, employee, or staff of the committee,
26 unless their attendance at the event is directly related to a political,
27 legislative, or governmental purpose.

28 (3) The purchase of tickets for entertainment or sporting events
29 for the benefit of persons other than the candidate, elected officer,
30 or his or her immediate family are governed by subdivision (f).

31 (f) (1) Campaign funds shall not be used to make personal gifts
32 unless the gift is directly related to a political, legislative, or
33 governmental purpose. The refund of a campaign contribution
34 does not constitute the making of a gift.

35 (2) Nothing in this section shall prohibit the use of campaign
36 funds to reimburse or otherwise compensate a public employee
37 for services rendered to a candidate or committee while on
38 vacation, leave, or otherwise outside of compensated public time.

39 (3) An election victory celebration or similar campaign event,
40 or gifts with a total cumulative value of less than two hundred fifty

1 dollars (\$250) in a single year made to an individual employee, a
2 committee worker, or an employee of the elected officer's agency,
3 are considered to be directly related to a political, legislative, or
4 governmental purpose. For purposes of this paragraph, a gift to a
5 member of a person's immediate family shall be deemed to be a
6 gift to that person.

7 (g) Campaign funds shall not be used to make loans other than
8 to organizations pursuant to Section 89515, or, unless otherwise
9 prohibited, to a candidate for elective office, political party, or
10 committee.

11 SEC. 62. Section 90002 of the Government Code is amended
12 to read:

13 90002. (a) Audits and investigations of lobbying firms and
14 lobbyist employers shall be performed on a biennial basis and shall
15 cover reports filed during a period of two years.

16 (b) If a lobbying firm or lobbyist employer keeps a separate
17 account for all receipts and payments for which reporting is
18 required by this chapter, the requirement of an audit under
19 subdivision (a) of Section 90001 shall be satisfied by an audit of
20 that account and the supporting documentation required to be
21 maintained by Section 86110.

22 (c) No audit or investigation of any candidate, controlled
23 committee, or committee primarily supporting or opposing a
24 candidate or a measure in connection with a report or statement
25 required by Chapter 4 ~~of this title~~ (*commencing with Section*
26 *84100*), shall begin until after the last date for filing the first report
27 or statement following the general, runoff, or special election for
28 the office for which the candidate ran, or following the election at
29 which the measure was adopted or defeated, except that audits and
30 investigations of statewide candidates, their controlled committees,
31 and committees primarily supporting or opposing those statewide
32 candidates who were defeated in the primary election and who are
33 not required to file statements for the general election may begin
34 after the last date for filing the first report or statement following
35 the primary election. When the campaign statements or reports of
36 a candidate, controlled committee, or a committee primarily
37 supporting or opposing a candidate are audited and investigated
38 pursuant to Section 90001, the audit and investigation shall cover
39 all campaign statements and reports filed for the primary and
40 general or special or runoff elections and any previous campaign

1 statement or report filed pursuant to Section 84200 or 84200.5
2 since the last election for that office, but shall exclude any
3 statements or reports which have previously been audited pursuant
4 to Section 90001 or 90003. When the campaign statements or
5 reports of a committee primarily supporting or opposing a measure
6 are audited and investigated, the audit and investigation shall cover
7 all campaign statements and reports from the beginning date of
8 the first campaign statement filed by the committee in connection
9 with the measure. For all other committees, the audit and
10 investigation shall cover all campaign statements filed during the
11 previous two calendar years.

12 SEC. 63. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the duties imposed on a local agency or school district by this act
15 were expressly included in a ballot measure approved by the voters
16 in a statewide election, within the meaning of Section 17556 of
17 the Government Code.

18 SEC. 64. The Secretary of State shall, pursuant to subdivision
19 (b) of Section 81012 of the Government Code, submit Sections 3
20 to 62, inclusive, of this act to the voters for approval at a statewide
21 election in accordance with Section 9040 of the Elections Code.

22 SEC. 65. Sections 1 and 2 of this act shall not become operative
23 unless and until the voters approve the amendments to the Political
24 Reform Act of 1974 (Title 9 (commencing with Section 81000)
25 of the Government Code) made by Sections 3 to 62, inclusive, of
26 this act, at the statewide election described in Section 64.